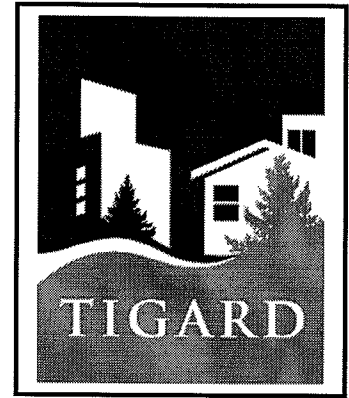




TIGARD CITY COUNCIL AND
LOCAL CONTRACT REVIEW BOARD
MEETINGS

OCTOBER 24, 2006 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

To request to speak to the City Council:

- Anyone wishing to speak on an agenda item should sign the appropriate sign-up sheet(s).
- If no sheet is available for the agenda item you would like to address:
 - Sign the Citizen Communication sign-up sheet
 - During Citizen Communications ask the Mayor if you may speak when the agenda item is considered by the Council.
 - The Mayor will determine whether public comment will be accepted.
- Sign the Citizen Communication sign-up sheet if you would like to address the Council on items not on the agenda. Citizens are asked to keep their remarks to two minutes or less. Longer matters may be set for a future agenda by contacting the Mayor or the City Manager.
- If you need assistance determining how to sign in, please speak to the staff greeter who will be near the entrance to Town Hall before the Council meeting.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL AND
LOCAL CONTRACT REVIEW BOARD MEETINGS
OCTOBER 24, 2006

6:30 PM

- STUDY SESSION
 - Review the Town Hall Audio/Visual Design Report from New World Audio/Video and Provide Staff with Direction.
- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss real property transaction negotiations under ORS 192.660(2)(e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

**TIGARD CITY COUNCIL AND
LOCAL CONTRACT REVIEW BOARD MEETING**

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order: City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. PROCLAMATIONS
 - 2.1 Proclaim the Week of October 25-31, 2006, as National Magic Week
 - 2.2 Proclaim October 28, 2006, as Make a Difference Day
 - Mayor Dirksen
3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - Citizen Communications – Sign Up Sheet
 - Report from the Tigard Area Chamber of Commerce President Ralph Hughes
 - Follow-up to Previous Citizen Communication

4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 4.1 Approve Council Minutes for September 19 and 26, 2006
4.2 Approve City Center Advisory Commission (CCAC) By Laws -- Resolution No. 06-_____

- 4.3 Establish a Citizen Advisory Committee to Guide the Preparation of the Highway 99W Corridor Improvement and Management Plan and Appoint Members to the Committee – Resolution No. 06-_____

- 4.4 Local Contract Review Board

- a. Award Architectural Services Contract for the Water Building Remodel to LRS Architects, Inc. and Authorize the City Manager to Sign the Contract

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

5. LEGISLATIVE PUBLIC HEARING TO CONSIDER REVISIONS TO THE COMMUNITY DEVELOPMENT CODE RELATING TO PLANNED DEVELOPMENTS (DCA 2006-0003)

REQUEST: The applicant is requesting approval of a Development Code Amendment to change the approval criteria. Related definitions of “density bonus”, “landscaping”, and open space facility” would be added to the Definitions Chapter (18.120). The complete text of the proposed Code Amendment can be viewed at http://www.tigard-or.gov/code_amendments, or at the City of Tigard Permit Center. **LOCATION:** Citywide. **ZONE:** Citywide.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.120, 18.350 and

- a. Open Public Hearing
- b. Declarations or Challenges
- c. Staff Report: Community Development Staff
- d. Public Testimony:
 - Proponents
 - Opponents
- e. Staff Recommendation
- f. Close Public Hearing
- g. Council Consideration: Ordinance No. 06-_____

6. CONSIDER AN ORDINANCE TO ADD SECTION 1.12.050 TO THE TIGARD MUNICIPAL CODE (TMC) TO AUTHORIZE SUBMISSION OF EXPLANATORY STATEMENTS BY THE CITY OF TIGARD FOR INCLUSION IN THE WASHINGTON COUNTY VOTERS' PAMPHLET FOR MATTERS SUBMITTED TO VOTERS UNDER THE REFERENDUM OR INITIATIVE POWERS BY PETITION
 - a. Staff Report: Administration Department
 - b. Council Discussion
 - c. Council Consideration: Ordinance No. 06-_____
7. CONSIDER AN ORDINANCE TO REPEAL ORDINANCE NO. 00-33 PROVIDING A PROCESS FOR CLAIMS FILED AS A RESULT OF BALLOT MEASURE 7 SUBSEQUENTLY INVALIDATED BY THE OREGON SUPREME COURT
 - a. Staff Report: Administration Department
 - b. Council Discussion
 - c. Council Consideration: Ordinance No. 06-_____
8. STATUS OF COUNCIL GOALS – THIRD QUARTER REPORT
 - a. Staff Report: Administration Department
9. COUNCIL LIAISON REPORTS
10. NON AGENDA ITEMS
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT

I:\adm\cathyl\ccal\2006\061024p.doc

Agenda Item No. Study Session
Meeting of Oct. 24, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Review the Town Hall Audio/Video System Design Report From New World Audio Video and Provide Staff with Direction

Prepared By: Robert Sesnon Dept Head Approval: RHS City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Review the Town Hall Audio/Video System Design Report from New World Audio Video and provide staff with direction.

STAFF RECOMMENDATION

None

KEY FACTS AND INFORMATION SUMMARY

During the City Council workshop meeting in August the Council heard a presentation from Mr. Lon Cudy with New World Audio Video regarding options to improve the sound and video quality of Town Hall. At that meeting Mr. Cudy received input from the Council and staff. The attached System Design Report from the consultant addresses these comments and presents several recommendations and options. The cost of these recommendations ranges from \$83,775 to \$156,500. The total amount budgeted for these upgrades is \$84,200, including \$1,200 for a digital conference recorder.

Staff will meet with the consultant prior to meeting to review and analyze the report recommendations. In addition, Mr. Cudy will be available during the City Council meeting to discuss the report and address the various options and his recommendations.

OTHER ALTERNATIVES CONSIDERED

No alternatives have been considered.

CITY COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Improve Communication and Relationship with Citizens

ATTACHMENT LIST

System Design Report from Consultant New World Audio Video.

FISCAL NOTES

The total cost of the consultant's recommendations ranges from \$83,775 to \$156,500. The total amount budgeted for the upgrades is \$84,200, including \$1,200 for a digital conference recorder.



New World Audio Video
4390 SW Scholls Ferry Rd.
Portland, OR. 97225
503.415.9289
www.newworldav.com

Revised 9/06/06
Prepared for: Gary Ehrenfeld
City of Tigard
Project: Town Hall
Audio/Video, Presentation system.
Design Proposal

Audio, Video and Control Systems Design, Engineering, Consulting. Lon Cudy: Systems Engineer

City of Tigard
Attn: Gary Ehrenfeld

13125 SW Hall Blvd.
Tigard, OR 97223
503.639.4171
gary@tigard-or.gov

REVISED 9/06/06

SYSTEM DESIGN REPORT

Thank you for allowing New World AV to provide you with this report. Based on our experience and information provided, this report is an exposition of design, engineering and equipment intended to upgrade the Audio/Video, Presentation system in the City of Tigard "Town Hall".

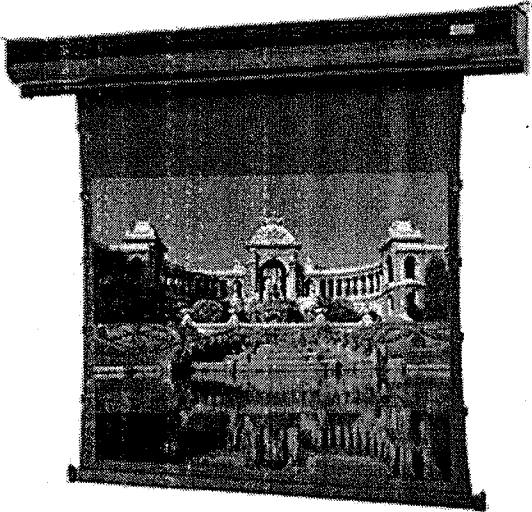
Preliminary Design

My intent is to provide technology solutions with minimal impact to the architectural features of the room. The design premise is simple, easy to use, low maintenance, flexible multipurpose systems to allow for many different seating and public configurations. Please review this document and determine if all your needs have been addressed.

Recommend appropriate AV & Control Systems with respect to, but not limited to, the following initial criteria:

- Program audio system
- Speech reinforcement system
- Control Systems
- Projection system
- Electric screen
- Monitoring capabilities
- Recording ability, Digital audio/video courtroom recording
- Distribution to and reception from local CCTV
- Wired & wireless mics
- High resolution document camera
- Press Feed
- CD, DVD and VCR capabilities
- Overflow environments

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.



Da-lite Tension Contour Electrol projection screen.
Mounted on the front wall at 15ft. above floor. The
image size will be 84" high and 112" wide. At 4;3 ratio.
Controlled by the main control panel and /or optional
wall switch. (Photo shows black, available in white).

Screen

Equipment cost estimate: \$ 3,400

Options: Lesser screen quality is not
recommended.

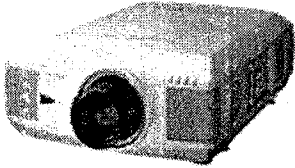
Optional lesser screen cost: \$ 2,200

Conduit and high voltage installation

The projection screen and projector will require 120VAC.
This will require an electrical contractor to supply and install.
Also this project will require audio/video conduit pathways.

Note: I recommend you purchase and install the projection screen,
install A/V conduit pathways and install projector shelf before the
A/V contractor bid process. This will save down time in the room
and provide for accurate bid estimating. Also, if the A/V
contractor is used to supply and manage this, it will add to the
overall cost.

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.



7000+ ansi lumen LCD projector mounted on shelf at 15ft above floor on back wall. (Above main entry door). Native resolution 1024 x 768.

Projector

Equipment cost estimate: \$ 14,000

Options: Lesser projector brightness is possible, but will affect image quality. You will notice a big difference in natural ambient light conditions.

You will need to dim the lights significantly and apply any window shades to accommodate a lesser brightness projector.

Optional Lesser projector brightness cost: \$ 8,000

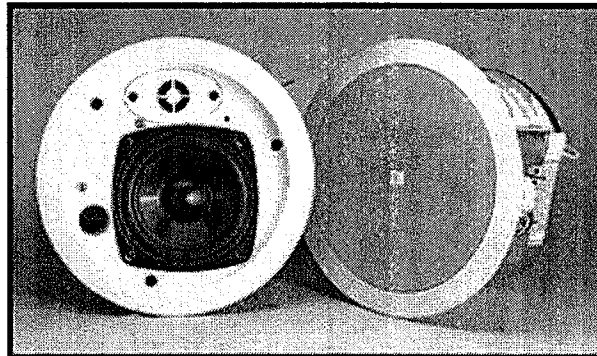
Note: I recommend you purchase this item separately from the A/V contractor bid process. Many audio visual contractors will charge full list price on this type of equipment.

Note: If you purchase any high price tag items *outside* of the A/V contractor bid process you will save significant costs.

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.



Audio system upgrade. Replace speakers, assisted listening system (This can double as a language translation delivery device), power amplifiers and audio control system. Also allows for telephone conference.



Audio System Upgrade

Equipment cost estimate: \$ 16,000

Options: Remove new Assisted Listen system

Remove Telephone conference system,

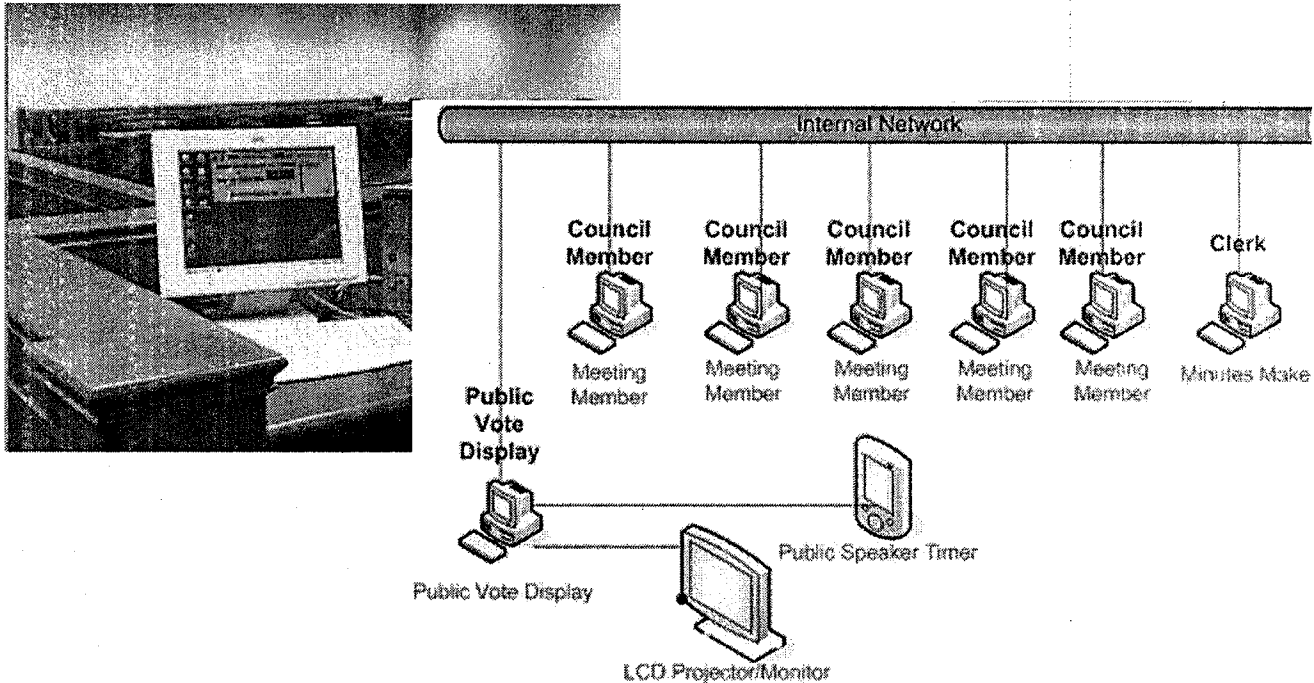
Reduce the number of audio inputs for future availability.

Optional Lesser Audio system cost: \$ 11,000

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.

Clerk/Recorder station.

This is the place for digital audio/video court recording, annotating and playback.

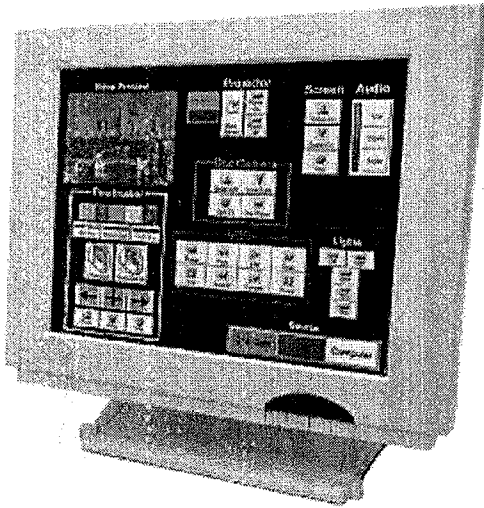


Digital court recording

Equipment & Software cost estimate: \$ 7,000

This allows for qty.1 clerk/recorder computer and FTR software.
Audio, Video recording to hard drive and meeting notation only.
(This does NOT provide a voting system or managed streaming playback)

Options: See Granicus Software below. ADD \$ 8,000 to \$50,000



The main control panel is a desktop touch screen with easy to use buttons for controlling the presentation system and more. Functions include: system on/off, screen up/down, source switching, microphone and program audio volume. The source switcher allows the room projector and council LCD panels to display laptop, document camera, DVD, cable broadcast and other video sources. Audio is automatically switched. (Picture shows basic design touch panel, make and model TBD).

Main Control Panel

Equipment & Software cost estimate: \$ 5,000 + programming labor estimate \$ 4,000

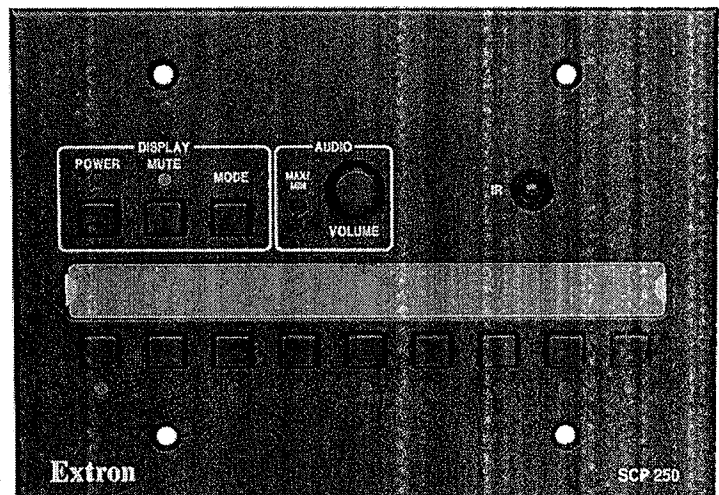
This allows for qty.1 Control system main frame, peripheral devices, touch panel and software.

Advantages are: Provides control from any allowed computer over network, provides individual microphone control, provides transport controls for video playback devices, and provides unlimited control possibilities for the future.

Note: This panel provides sophisticated audio and video control. Any lesser system will require an operator to do more manual and complicated functions.

Options: Desktop button panel. This will provide limited switching and volume control from desktop buttons.

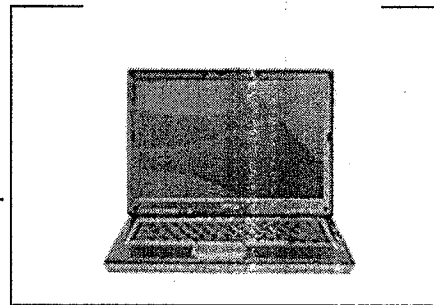
Optional Lesser Desktop button panel cost: \$ 1,500 + programming \$ 2,000



Council member stations.



City of Tigard laptops or computers



Each station is equipped with a low profile 15" LCD touch screen. This allows the viewing of any input selected at the main control and matches what is shown on the projector. Each station will have a switch for selecting an individual laptop or local computer. The touch screens may be programmed for special needs in the future.

Council and Mayor station

Equipment touch panel estimate: \$ 700ea panel + \$ 400 hardware per station.

Advantages are: The stations will be completely wired for any thing in the future.

Option "A": Replace touch panel with standard 15" LCD desktop monitors.

Option "A" Lesser monitor cost: \$ 225ea panel+ \$ 400 hardware per station.

Option "B": Remove laptop input /local hardware switch device.

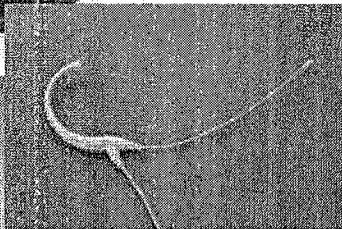
Note: This option only provides for a local monitor. NO other laptop or computer inputs will be located at the council stations.

Option "B" Less laptop input/ local switch device cost: \$400ea.

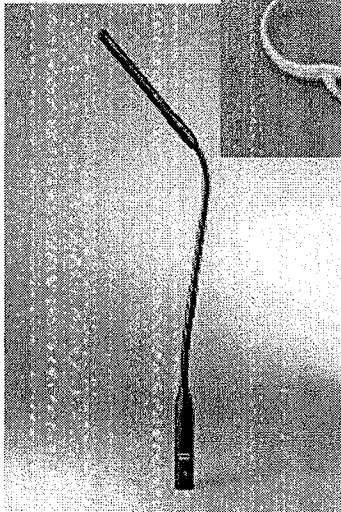
Council member station microphones.



Audio Technica desk stand allows for any microphone to plug in. It includes a programmable button for push to talk with indicator light.



Audio Technica AT892c-TH head worn microphone will plug into each desk stand and allows for convenient push to talk button placement.



Optional gooseneck microphones.

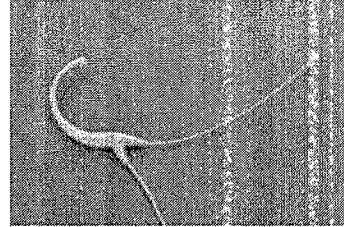
Microphone System Upgrade

Equipment cost estimate: \$ 400ea Headworn microphone
\$ 200ea Mic Base W/Switch

Advantages are: Provides superior audio quality, ensures all participants are recorded accurately. The mic base has a programmable switch allowing many control configurations.

Options: Replace headworn mic with gooseneck microphone.
Optional Gooseneck Microphone cost: \$ 300ea

Microphone details.



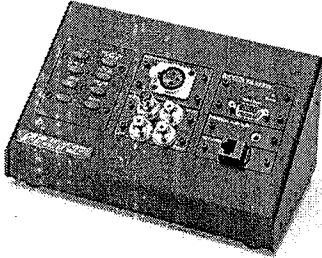
AT892c-TH MicroSet™

Introducing a giant stride in the technology of inconspicuous sound. With a capsule diameter of just 2.5 mm, the new MicroSet provides the ultimate in low-profile, high-performance audio. This innovative omnidirectional condenser headworn mic offers an ergonomic under-ear design: its flexible, lightweight contoured loop hooks behind either ear for an ultra-secure, comfortable fit with or without glasses.

- The new quality/wearability standard for micro headset technology
- Inconspicuous, lightweight headset is ideal for applications requiring minimum visibility
- Ergonomic under-ear design—flexible, lightweight contoured loop hooks behind the ear for an ultra-secure, comfortable fit with or without glasses
- Industry-standard sound quality—extremely intelligible natural audio for stage and television talent, lecturers and houses of worship
- Rugged construction designed to meet the challenges of day-to-day use in production and theater settings
-

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.

Presenter station.



This desktop input box allows for laptop, document camera and standard video input. It can be positioned on any desk top and has a cable harness connected to the floor box in center of room. The inputs are controlled by the main touch screen and include audio. This can include a countdown timer connection.

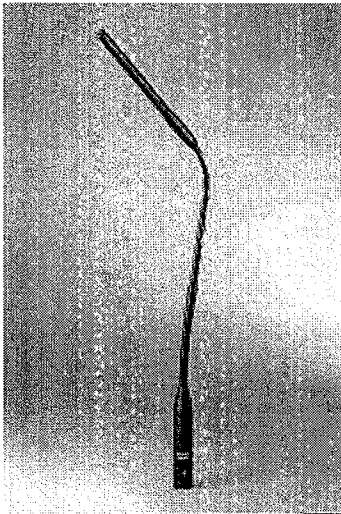
Presenter station A/V input

Equipment cost estimate: \$ 3,200

Advantages are: This is the main input for the presenter station at the desk.

Options: Reducing the functionality of this station is NOT recommended

Presenter station microphones



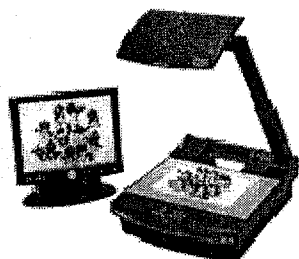
The presenter station has 2 wired desktop microphone stands with long gooseneck microphones.

Equipment cost: \$ 300ea Gooseneck microphone
\$ 200ea Mic Base W/Switch



Wireless microphones with desktop stands allow for easy placement and flexible seating arrangements.

Equipment cost: \$ 450ea
wireless mic and mic stand



Wolfvision VZ-27 desktop visualizer and document camera.

This will be mounted on a rolling cart. It allows for any object to be viewed on the monitor system. It can be used for many different functions and can plug into other VGA/video monitors.

WolfVision Visualizers are recognized worldwide as the highest quality document cameras. WolfVision Visualizers are used for displaying material in presentations, training, education/teaching, courtrooms, video-conferencing, 3D scanning, telemedicine and broadcasting. They are recognized for their great image reproduction and resolution, accurate colors and ideal control of lighting. They are designed to easily and accurately capture any kind of material to be displayed, whether it is written material on paper or transparency, x-rays, 3-dimensional objects and even items or people in a room.

The unique light system of the Professional series greatly improves the overall picture quality, especially when working with 3-dimensional objects. It allows for shadow free illumination, illumination of hollow objects and exceptional depth of focus. The motorized arm and mirror allow users convenient scrolling of documents with the Visualizer's remote control

Presenter station desktop visualizer and document camera

Equipment and labor cost estimate: \$ 9,000

Advantages are: This unit will be cart mounted and available for use in other room and meetings. This unit offers a camera that can substitute for a TVCTV broadcast camera. It is able to record people and meetings on the clerk/recorder station with out a TVCTV operator.

No other document camera in this price range can equal the VZ-27.
Document Camera prices: \$1,000 to \$ 20,000

Options: I recommend you purchase this item separately from the A/V contractor bid process. Many audio visual contractors will charge full list price on this type of equipment.

Note: If you purchase any high price tag items *outside* of the A/V contractor bid process you will save significant costs.

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.

Remote press feed and viewing stations.



This is a wireless, compact and portable **press feed**. It is very versatile and easy to use. Additionally, it is designed for **remote viewing** of any Town Hall broadcast. It can be placed anywhere there is a standard power outlet (120vac). It has a wireless range of 200ft. Users will receive broadcast quality audio and video. This unit will provide an audio/video feed for connecting to other projectors or TV for **overflow environments**. It includes an 8" LCD panel, headphones and speakers. It is housed in a light weight portable rack case.

Remote press feed and viewing station.

Equipment and labor cost estimate: \$ 6,000

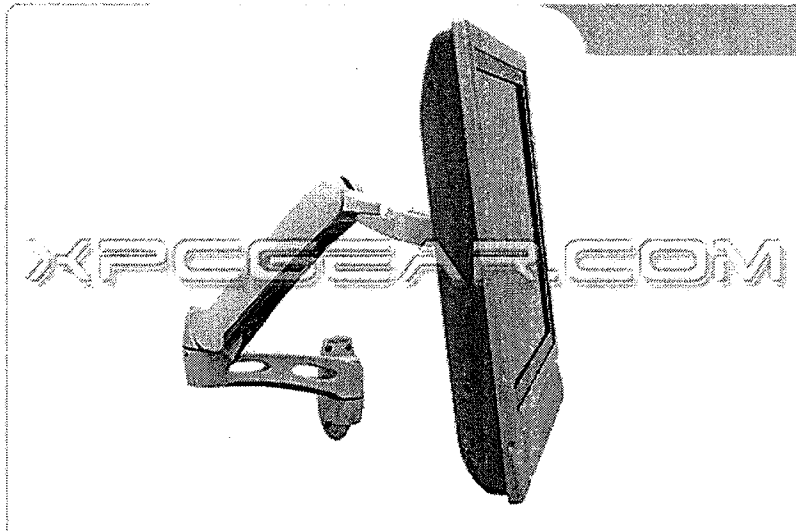
Advantages are: This unit is very portable, allows visiting press to set up anywhere, requires no programming, allow people not in the Town Hall to view the live meeting/presentation.

Options: Install conduit, wires and hardware devices at any/all the places you may need. This is NOT recommended and may cost \$2,000 to \$4,000 per location.

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.

- **AUDIO/VIDEO MONITOR IN BACK ROOM**

- Allows for viewers to monitor the broadcast presentation
- Includes a 20" LCD monitor mounted on the wall
- Includes audio speakers w/volume control on wall



Remote back room viewing station.

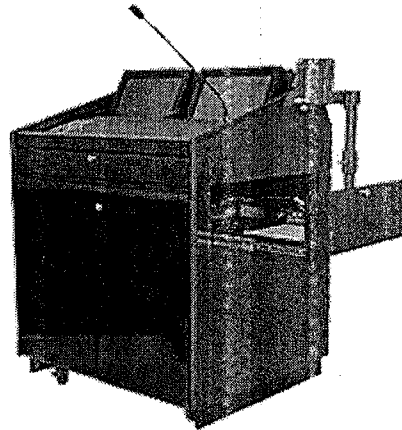
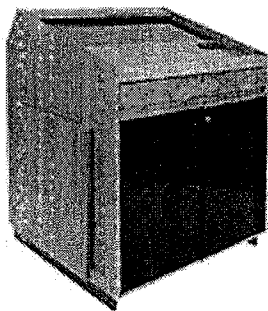
Equipment and labor cost estimate: \$ 2,000

Advantages are: This unit allows a dedicated wall monitor and speakers. People can monitor the live meeting while waiting in the backroom for their agenda time.

(May also be used for local computer monitor, archive playback and other information services. More equipment may be needed)

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.

Optional Presenter station.



This kind of station adds a nice look and style to a room. It can house most A/V equipment if needed. This station can roll away for different room configurations.

- PRESENTATION LECTURN
- ADDS \$ 4,000 to \$ 10,000 equipment
- ADDS 2,000 TO \$4,000 IN LABOR

Video Conference.

- VIDEO CONFERENCE
- Allows for live video, audio and content communication
- ADDS \$ 8,000 to \$ 30,000 Equipment
- ADDS 4,000 TO \$6,000 IN LABOR
- Requires network bandwidth
- May requires camera operators

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.



For The Record (FTR) vs Granicus

This is a brief comparison for digital audio/video court recording, annotating and playback.

Both offer the same basic audio/video court recording, annotating and playback. This is usually controlled by the clerk from a computer or touch screen. The system uses tape recorder style buttons on the screen for recording and playback. This system records exactly the broadcast on the public TVTV. (Or other special a/v) At the same time record notes, date and time are recorded and stored on local computer.

FTR offers 4 digital audio tracks, local network file sharing, save files in multiple formats.

Computer hardware estimated cost: \$ 3,750.00

Computer software estimated cost: \$ 3,500.00

Granicus offers webcasting solutions provide local government with the ability to deliver public meetings, service announcements, education content and video training through the Internet, live or on-demand. Deliver public information quickly with rich media like minutes, reports, agenda and more all synchronized with the video/audio content.

Software cost and managed services are based on population of local jurisdiction.

Computer hardware estimated cost: \$3,000 to \$10,000 *Pending options.*

Computer Software estimated cost: \$ 8,000 to \$100,000

Granicus managed services estimated cost: \$700 to \$ 3,000 per month

See more info below.

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.



ForTheRecord

FTR Log Notes Features

Notes create time stamps that link directly to specific segments of recorded proceeding
Powerful internal search engine helps find specific words and phrases
User-definable glossaries, picklists and "hot-keys" for faster data entry
Log sheets can be merged while retaining identities of individual sets of notes
Includes **FTR Player Plus**, which features easy-to-user, "tape recorder-style" controls
Includes **WordLink™** which offers you the option of creating notes in Word
Includes Microsoft VBA so you can customize FTR Log Notes to meet your court's specific needs
Compliant with accessibility requirements for disabled users (Section 508 in USA)

Benefits FTR Log Notes Offers You

Take notes before, during and after a proceeding and synchronize notes with the recorded audio, even if you weren't connected to the court network when you took the notes.
Search all log sheets to locate specific case information by event, case or speaker
Search specific log sheets for events, speakers and notes
Create private notes and store them in location with restricted access
Use glossaries, picklists and user-definable "hot keys" to automate data entry
Share notes and linked audio across a network
Use **WordLink™** to create notes in Microsoft Word

Date	Location	Time	Speaker	Note
1/21/2002	City Court 1	11:17:38 AM		Case Called
		11:17:55 AM	Ms Wright	App Begins submissions
		11:18:36 AM	Mr Knot	Resp begins submissions
		11:19:17 AM	Clerk of Courts	Witness called
		11:20:23 AM	Mrs Wright	Begins XN
		11:21:29 AM	Mr Knot	Begins XXN
		11:23:15 AM	Clerk of Courts	Witness excused

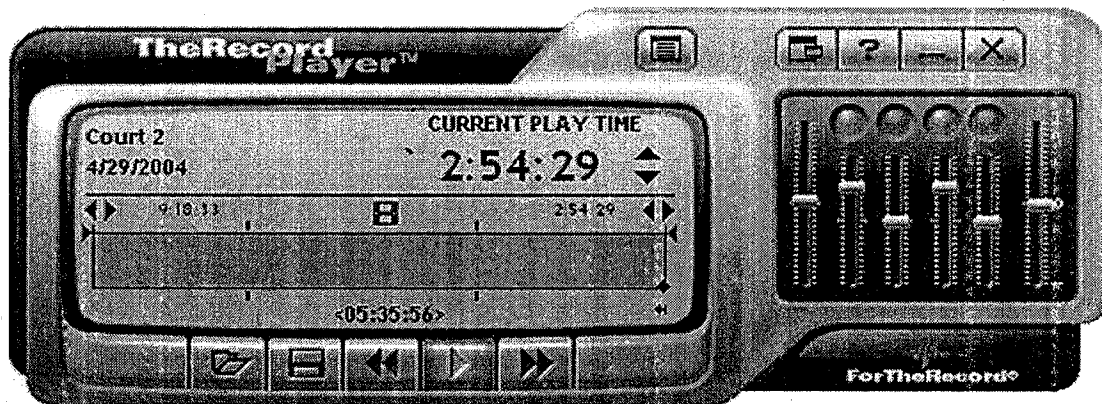
Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.



ForTheRecord

What is TheRecord Player™?

TheRecord Player™ is used to play back, duplicate and share audio and video recorded by **TheRecord Reporter™**, our digital court recording solution. Although its audio and video play back features are the most advanced available, the "tape recorder-like" features and functions of TheRecord Player are easy to understand and learn. TheRecord Player gives you complete control of the play back process. You can review an entire proceeding or pinpoint specific segments, increase or decrease the master volume or the volume of individual channels, and isolate individual channels-- all without fast forwarding or rewinding a single cassette. TheRecord Player is available as a **FREE DOWNLOAD** from the FTR web site.



Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.



Granicus webcasting solutions provide local government with the ability to deliver public meetings, service announcements, education content and video training through the Internet, live or on-demand. Deliver public information quickly with rich media like minutes, reports, agenda and more all synchronized with the video/audio content.

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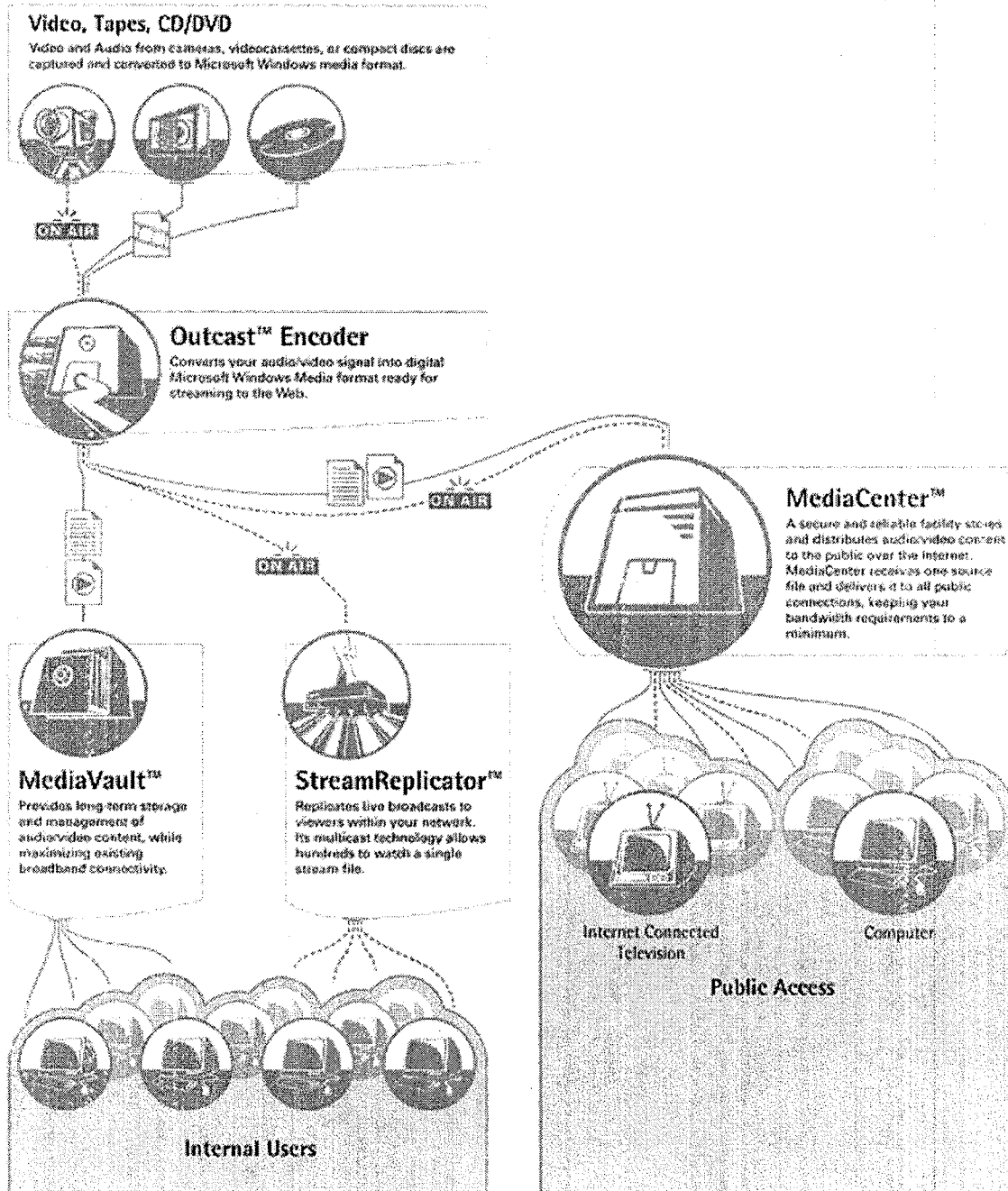
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Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.



Revised 9/06/06

	Low range	High range
Total Labor estimates	\$25,000.00	\$45,000.00
Computer, Video Switcher Scaler	\$5,000.00	\$5,000.00
Core A/V support devices	\$3,000.00	\$5,000.00
Projection screen		
Non-Tab tension	\$2,200.00	
Tab tension High quality		\$3,400.00
Projector		
Medium bright 5000 ansi lumens	\$8,000.00	
Bright 7000 ansi lumens		\$14,000.00
Audio system main frame Speakers Amps		
Basic audio matrix, amps and speakers	\$11,000.00	
Adds assited listening, teleconf, future expansion		\$16,000.00
Digital Court recording		
Basic Audio, video notation recording	\$7,000.00	
Adds voting,public streaming, managed services		\$11,000.00
Controls System Main Panel		
Basic desktop buttons	\$3,500.00	
Adds main frame, touch panel, unlimited future control		\$8,000.00
QTY. 7 Council Station Video Monitor		
Basic 15" monitor, w/laptop input, w/switch	\$4,375.00	
Adds 15" touch screen and laptop/computer switch		\$7,700.00
QTY. 7 Council Station Microphones		
desk stand w/switch and gooseneck mic	\$3,500.00	
Desk stand w/headworn mic		\$4,200.00
Presenter Station A/V input		
2 XGA video inputs w audio, 1 NTSC video	\$3,200.00	
Same		\$3,200.00
Presenter station Microphones		
2 gooseneck mics w/mic base	\$1,000.00	
Adds qty. 4 wireless mic w/stands		\$3,000.00
Document Camera		
Low quality NTSC video	\$1,000.00	
High Quality 1ccd camera and lights		\$9,000.00
Remote Press feed and Viewing Station		
Conduit, cables, devices, Press feed only	\$4,000.00	
Adds wireless system press feed/viewing station		\$6,000.00
Audio, Video Monitor in back room		
LCD monitor an wall, w/volume control	\$2,000.00	
Same		\$2,000.00
Lectern Furniture		
	\$0.00	
Adds selected furniture		\$4,000.00
Video Conferencing		
	\$0.00	
Adds complete video conference system		\$10,000.00
ESTIMATED TOTALS	\$83,775.00	\$156,500.00

Revised 9/06/06
Prepared for: City of Tigard
Project: Town Hall
Audio/Video, Presentation system.

SUMMARY:

- **Dramatic improvements to all audio and video systems**
 - **Easy to use control systems**
 - **Convenient, portable press feed and monitor station**
 - **LCD monitors and new microphones at all council stations**
 - **Presenter station with many available media inputs**
 - **High resolution document camera/ multi purpose camera system**
 - **Flexible multi-purpose equipment adapt to different room layouts**
 - **Large projection screen and very bright projector.**
 - **World class equipment offers many future expansion options**
-
- **Estimated total equipment: \$50k to \$100k**
 - **Estimated total labor: \$30k to \$45k**
 - **Estimated Project total: \$80k to \$145k (*Pending Granicus options*)**
-
- **Estimated Town Hall down time is 3 weeks for construction**

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Thanks,
Lon Cudy

PROCLAMATION

National Magic Week

WHEREAS, October 25-31, 2006 is the annual celebration of National Magic Week to coincide with the date of Harry Houdini's death on October 31, 1926; and

WHEREAS, the Society of American Magicians adopted the idea of National Magic Week as a way of promoting the art of magic by providing free entertainment to the Tigard community through Police DARE camp, local schools and libraries, as well as performing for senior citizens in nursing homes and residents of the Veteran's Administration Hospital; and

WHEREAS, the free shows are part of the service programs provided to the Tigard community by the Society of American Magicians for those who would have difficulty getting to a theatre to see a live performance; and

WHEREAS, the Magicians that participate in these shows do so as a way of sharing with others an art form they love and Magic Week is when the magicians can take their bows.

NOW THEREFORE BE IT RESOLVED THAT I, Mayor Craig E. Dirksen of the City of Tigard, Oregon do hereby proclaim the week of October 25-31 as

National Magic Week

Dated this _____ day of _____ 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Craig E. Dirksen, Mayor
City of Tigard

Attest:

City Recorder

PROCLAMATION

Make A Difference Day

WHEREAS, serious social problems concern our nation and threaten its future; and

WHEREAS, connecting with others and working together through volunteer service can bridge the differences that separate people and help solve serious social problems; and

WHEREAS, we, the American people, have a tradition of philanthropy and volunteerism; and

WHEREAS, millions of self-sacrificing individuals touch and enhance the lives of millions on the annual day of doing good by giving where there was a need, rebuilding what had been torn down, teaching where there was a desire to learn and inspiring those who had lost hope; and

WHEREAS, USA WEEKEND Magazine and its affiliate newspaper and The Points of Light Foundation and its affiliate volunteer centers have joined to promote the sixteenth annual national day of doing good that celebrates and strengthens the spirit of volunteer service; and

WHEREAS, volunteer service is an investment in the future we all must share;

NOW THEREFORE BE IT RESOLVED THAT I, Craig E. Dirksen, Mayor of Tigard, on behalf of the entire City Council, do hereby proclaim:

October 28, 2006 as

Make A Difference Day

In Tigard, Oregon, and urge my fellow citizens to observe this day by connecting with friends, fellow employees and relatives and with religious, school and civic groups to engage in projects benefiting their community.

Dated this _____ day of _____ 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Craig E. Dirksen, Mayor
City of Tigard

Attest:

City Recorder

Agenda Item #

Meeting Date

October 24, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title City Center Advisory Commission (CCAC) By Laws

Prepared By: Phil Nachbar

Dept Head Okay



City Mgr Okay



ISSUE BEFORE THE COUNCIL AND KEY FACTS

Adoption of City Center Advisory Commission (CCAC) by laws.

STAFF RECOMMENDATION

Approve the attached resolution adopting the CCAC By Laws.

KEY FACTS AND INFORMATION SUMMARY

Council reviewed a first draft of the by laws at an August 15 workshop. Council was presented a draft set of by laws produced by Staff and a staff report, and a corresponding set of by laws reviewed and amended by the CCAC. At the workshop, Council had a discussion with members of the CCAC about key sections of the by laws, and the concerns of the group. Due to the complexity of the subject, it was decided that Council would continue its review of the by laws at the September 19th workshop. At the September 19th workshop, Council discussed all sections of the by laws with Staff and members of CCAC, and provided direction for a final version to be adopted by consent agenda at a later time.

Staff has incorporated the modifications from the September 19th review, and the comments of the City Attorney. Legal review provided minor changes to wording for clarification, and the provision of greater capacity pertaining to the potential removal of members, if necessary, under Section 10. The City Attorney provides Council, at their request, with more control over the removal of members with addition of the following as Section 10 (b): "The Council may also remove members at its sole discretion."

The City Center Advisory Commission (CCAC) has been operating without by laws since it was created in July, 2005. With passage of the Urban Renewal Ballot Measure in May of 2006, the role of the CCAC becomes more permanent and changes to the implementation of Urban Renewal projects as opposed to development of the Urban Renewal Plan. The new set of by laws establishes a set of by laws that reflect this change in role and help to clarify the role, responsibilities, composition / membership, terms, and operating procedures of the Commission. Having a clear set of by laws will provide direction and structure for the group on an on-going basis and when faced with the need for change.

OTHER ALTERNATIVES CONSIDERED

None.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard Beyond Tomorrow, Volunteerism -

- 1) City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.
- 2) Reevaluate and broaden volunteer selection process for City committees and task forces.

ATTACHMENT LIST

Attachment 1: Resolution Adopting CCAC By Laws

Exhibit A: CCAC By Laws

FISCAL NOTES

No direct cost impact.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION ADOPTING THE CITY CENTER ADVISORY COMMISSION (CCAC) BY LAWS

WHEREAS, the City Center Advisory Commission (CCAC) has been operating without by laws since it was created in July 2005; and

WHEREAS, with the passage of the Urban Renewal Ballot Measure in May of 2006, the role of the CCAC becomes more permanent; and

WHEREAS, the responsibilities of the CCAC have changed from the development of the Urban Renewal Plan to the implementation of Urban Renewal projects, clarification of their specific responsibilities will assist their mission; and

WHEREAS, having a clear set of by laws will provide direction and structure for the CCAC on an on-going basis and when faced with the need for change.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council adopts the City Center Advisory Commission (CCAC) By Laws (Exhibit A) as the document to guide the roles, responsibilities and operations of the CCAC.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

BY LAWS OF THE CITY CENTER ADVISORY COMMISSION

SECTION 1. CHARGE AND DUTIES

- (a) The City Center Advisory Commission (the "Commission") has the powers conferred by City Charter, the Tigard Municipal Code, the resolution approving these by laws, and such other powers as granted by the Tigard City Council, but shall have no other powers. These by laws are adopted by resolution of the Tigard City Council, are binding on the Commission, and may be amended only by the City Council.
- (b) It shall be the function of the Commission to act as an advisory body to the City Center Development Agency (CCDA), the Urban Renewal Agency for the City of Tigard, or the City Council as appropriate.
- (c) The Commission is charged with advising the CCDA on matters pertaining to Urban Renewal Plan implementation and tax increment fund allocations for the City Center Urban Renewal District. Recommendations pertaining to policy, budget, and implementation of urban renewal projects identified within the Urban Renewal Plan and / or the annually adopted Downtown Implementation Strategy and Work Program will be made to the CCDA or City Council as appropriate for consideration, deliberation and action. The Commission may also provide recommendations with regard to amendments to the City Center Urban Renewal Plan.
- (d) The Commission shall perform other duties as assigned by the CCDA.
- (e) The Commission may form subcommittees to investigate areas relevant to its charge or duties pursuant to this section.

SECTION 2. COMPOSITION

- (a) The Commission shall consist of nine (9) members appointed by the City Council who are residents of Tigard or own businesses or property within the City Center Urban Renewal District with the following representation if possible:
 - (1) At least two (2) business owners or property owners whose business or property is located within the City Center Urban Renewal District;
 - (2) Five (5) persons who are residents of Tigard and represent a cross-section of interests in the community at large;

- (3) One (1) person residing within or adjacent to the boundaries of the City Center Urban Renewal District;
- (4) One (1) member of the Planning Commission
- (5) Two (2) alternates (non-voting) including one (1) at large resident of Tigard, and one (1) business or property owner from within the City Center Urban Renewal District

SECTION 3. APPOINTMENTS

- (a) Council shall fill vacancies with individuals necessary to meet the compositional requirements of above.
- (b) In addition, Council shall determine a means of staggering appointments of all current members initially using three (3) three-year terms, three (3) two-year terms, and three (3) one-year terms.
- (c) Appointments shall be made by the City Council with recommendations from the Mayor.

SECTION 4. TERM OF OFFICE

- (a) After the initial staggering of terms for current members as defined in Section 3(b) above, the term of office of all future, appointed members shall be three (3) years or until their successors are qualified and appointed.
- (b) All terms shall begin January 1st and end December 31st.
- (c) Any vacancy in the Commission shall be filled by appointment by the Council upon recommendation by the Mayor for the unexpired portion of the term. The unexpired portion of a term does not count towards the two consecutive terms limit in Section 4(d).
- (d) Members may be reappointed for up to two consecutive three year terms. An initial one or two year term under Section 3(b) does not count towards the two consecutive terms limit.
- (e) Members of the Commission shall receive no compensation for their services.

SECTION 5. ORGANIZATION OF THE COMMISSION

- (a) At its first meeting of the year, and thereafter annually, the Commission shall elect a Chair and Vice Chair from its members who shall hold office at the pleasure of the Commission.
- (b) If the Chair or Vice Chair should resign, the Commission shall, at its next meeting, conduct an election and provide a replacement.
- (c) The Commission shall meet at least quarterly during a calendar year at a time and place that is specified at least 5 days in advance.
- (d) All meetings shall be conducted in conformance with Public Meeting Law.
- (e) A record of the Commission's proceedings shall be filed with the city recorder.

SECTION 6. VOTING

- (a) General procedures of the Commission, including voting, shall follow Robert's Rules of Order.
- (b) A majority of votes shall determine the official position of the Commission on a given issue.
- (c) Chair and Vice Chair shall vote on all matters before the Commission.

SECTION 7. COMMISSION MEMBER RESPONSIBILITIES

- (a) Members of the Commission shall:
 - (1) regularly attend Commission meetings and contribute constructively to discussions,
 - (2) consider and discuss issues from a Citywide perspective, as well as that of particular stakeholders or interests,
 - (3) understand and be able to articulate the Commission's charge, responsibilities and adopted, annual work program,
 - (4) strive to reach consensus on matters under consideration,
 - (5) act with respect and consideration for the viewpoint of others,

- (6) review and provide comment on reports, presentations, and recommended policies or strategies related to Downtown redevelopment before the Commission, and
 - (7) vote on motions in front of the Commission, except where reasonable abstention is necessary.
- (b) Commission members may engage in general discussions regarding its charge, responsibilities or projects within the Urban Renewal Plan or Downtown Implementation Strategy, but shall not discuss specific real estate projects or proposals with potential developers or property owners without the authorization of the CCDA.
 - (c) In addition, members shall not make representations on behalf of the City of Tigard or CCDA without authorization.
 - (d) Members shall not make representations on behalf of the Commission whether intentional or not, without the authorization of the Commission.

SECTION 8. ATTENDANCE

If a member of the Commission is unable to attend a meeting, he or she is expected to notify the Chair or Vice Chair. If any member is absent from any six (6), regularly scheduled meetings within one year or three (3) consecutive meetings without reasonable cause, the issue shall be placed on the upcoming agenda, and upon majority vote of the Commission that position shall be declared vacant. The Commission shall forward its action to the Mayor and Council, who shall fill the vacant position.

SECTION 9. QUORUM

At any meeting of the Commission, a quorum shall be a majority of the current members of the Commission. No action shall be taken in the absence of a quorum except that the meeting may continue with discussion on agenda items. For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present.

In the event a quorum will not be present at any meeting, the Chair or Vice Chair shall notify the Commission members in advance so that a decision may be made whether to meet and take no action on agenda items or to reschedule to a different time.

SECTION 10. REMOVAL OF MEMBERS

- (a) The City Council may remove members of the Commission in accordance with Section 8 Attendance.
- (b) The Council may also remove members at its sole discretion.
- (c) The Commission may make a recommendation to Council for the removal of a member for failure to comply with Section 7 Commission Member Responsibilities. The Commission shall forward a recommendation for replacement to the Mayor and Council in a timely manner.

SECTION 11. ANNUAL REPORT OF THE COMMISSION

- (a) Not later than December 1 of each year, the Commission shall prepare and file its Annual Report to the CCDA.
- (b) The Annual Report shall include a summary of key activities and proceedings and any specific suggestions or recommendations which the Commission believes would assist its mission or the overall goals for the Downtown.
- (c) The Annual Report shall not be submitted unless approved by the Commission.

Agenda Item #

Meeting Date

October 24, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title A Resolution Establishing a Citizen Advisory Committee to Guide the Preparation of the Highway 99W Corridor Improvement and Management Plan and Appointing Members to the Committee

Prepared By: A.P. Duenas Dept Head Okay TC City Mgr Okay CK

ISSUE BEFORE THE COUNCIL

Shall Council approve a resolution establishing a Citizen Advisory Committee to guide the preparation of the Highway 99W Corridor Improvement and Management Plan and appointing members to the Committee?

STAFF RECOMMENDATION

That Council approve the proposed resolution.

KEY FACTS AND INFORMATION SUMMARY

The City of Tigard applied for and received a Transportation Growth and Growth Management (TGM) grant for the preparation of the Highway 99W Corridor Improvement and Management Plan. This project will develop a plan to identify projects and potential land use changes both intended to alleviate traffic congestion and improve traffic circulation within the Highway 99W corridor through the City from Durham Road to the I-5 Interchange. The project is administered by the Oregon Department of Transportation (ODOT) and the consultant team of OTAK, Inc/DKS Associates was selected to prepare the plan. The preparation of the plan began in mid-August 2006 and is expected to be completed within Fiscal Year 2006-07, which ends June 30, 2007.

The City is an active participant in the preparation of the plan and is responsible for establishing a Citizen Advisory Committee to guide its development. The composition of the Citizen Advisory Committee is intended to represent a wide range of interests and members were selected through an established selection process led by the Mayor. The committee members are expected to participate in five committee meetings and three open house meetings during the next eight months. The committee will complete its work with a submittal of the completed plan to City Council with a recommendation for approval at a formal Council business meeting.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Reduction of traffic congestion and traffic circulation improvements meet the Tigard Beyond Tomorrow Transportation and Traffic goals of "Improve Traffic Flow" and "Improve Traffic Safety." Any land use changes

that improve circulation and reduce traffic congestion likewise support those goals. In addition, improvements to the Highway 99W corridor supports the 2006 Council goal to "Improve 99W Corridor."

ATTACHMENT LIST

Resolution establishing the Citizen Advisory Committee and appointing members to the committee.

FISCAL NOTES

The total project amount is \$200,000. The amount of \$176,000 is funded from the TGM grant and \$24,000 is provided by the City through the Gas Tax Fund as local matching funds.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION ESTABLISHING A CITIZEN ADVISORY COMMITTEE TO GUIDE THE PREPARATION OF THE HIGHWAY 99W CORRIDOR IMPROVEMENT AND MANAGEMENT PLAN AND APPOINTING MEMBERS TO THE COMMITTEE.

WHEREAS, the City of Tigard applied for and received a TGM (Transportation Growth and Growth Management) grant for the preparation of the Highway 99W Corridor Improvement and Management Plan; and

WHEREAS, the plan will identify projects and potential land use changes both intended to alleviate traffic congestion and improve traffic circulation within the Highway 99W corridor through the City from Durham Road to the I-5 Interchange; and

WHEREAS, the project is administered by ODOT (Oregon Department of Transportation) and a project consulting firm has been selected to prepare the plan; and

WHEREAS, a Citizen Advisory Committee is required to guide the preparation of the plan and to present the completed plan to City Council; and

WHEREAS, individuals representing a wide variety of community interests are needed to form the committee and provide input into the preparation of the plan; and

WHEREAS, the committee members were selected through an established selection process led by the Mayor.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Highway 99W Corridor Improvement and Management Plan Citizen Advisory Committee is hereby established to guide the preparation of the plan. Its membership shall consist of those individuals listed on the attached Exhibit "A."

SECTION 2: The mission of the Citizen Advisory Committee is to:

- (1) Review and comment on draft plan materials prepared by the project consultant; and
- (2) Guide the preparation of the plan to ensure that the proposed plan meets community needs; and
- (3) Promote public understanding of the proposed plan.

- SECTION 3: The Citizen Advisory Committee shall:
- (1) Participate in at least five meetings conducted by the project consultant; and
 - (2) Participate in up to three open house meetings at the completion of project milestones to provide the public with an opportunity to review the progress of the project and offer comments; and
 - (3) Consider comments received by the public; and
 - (4) Present findings and recommendations to City Council upon completion of the plan.
- SECTION 4: The term of service for the members of the committee shall expire after completion of the plan and presentation to City Council and the committee itself shall be terminated at that point.
- SECTION 5: The City Engineer is assigned as staff liaison to the Citizen Advisory Committee. Other City staff will be used to support the Committee's activities as deemed necessary throughout the entire process.
- SECTION 6: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

EXHIBIT A

Highway 99W Corridor Improvement and Management Plan

Citizen Advisory Committee

Rex Caffall (Planning Commission)
Paul Owen (Transportation Financing Strategies Task Force)
Marlece Watson (CPO 4B)
Daniel Barnes (King City)
Jesse Black (Tigard Chamber of Commerce)
Roger Potthoff (Business along the Highway 99W corridor)
Cherree Weeks (Resident along the Highway 99W Corridor)
Tim McGilvrey (Biking Advocate)
Steve Boughton (Public Transportation Advocate)
Sue Carver (Resident-at-large)
William Moss (Resident-at-large)

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Highway 99W Corridor Improvement and Management Plan Citizen Advisory Committee

Appointee Biographical Information

Rex Caffall (Planning Commission)

Rex Caffall is employed as the Chief of Operations for Caro USA Inc. He attended Central Catholic High School in Portland. Caffall has resided in Portland for 16 years and currently serves on the Planning Commission which he will represent on the CAC.

Marlece Watson (CPO 4B)

Marlece Watson has a Bachelor of Science in Marketing from Arizona State University. She has lived in Tigard for 3 years. Watson is a Master Gardener and serves as a food coordinator for her church. She will be recommended for appointment as the CPO4B representative on the CAC.

Daniel Barnes (King City)

Daniel Barnes is a retired civil engineer who worked in Oregon, Washington, California and Texas. He has resided in King City for the past 3 years and currently volunteers as a tutor in the Portland Community College GED Program. Barnes will be representing King City on the CAC.

Jesse Black (Tigard Chamber of Commerce)

Jesse Black is the owner of Yellow Crayon LLC which provides computer services for individuals and small businesses. He earned a Masters in Computer Science from Southern Methodist University. Black is a recent Tigard area resident and will represent the Tigard Chamber of Commerce on the CAC.

Roger Potthoff (Business along the Highway 99W corridor)

Roger Potthoff is employed as a financial advisor at APR Strategies. He earned a Bachelor of Arts from the University of Minnesota and attended Fordham Law School. Potthoff has lived in Tigard for the past 7 years and currently serves on the City Center Advisory Commission. He will represent businesses along Highway 99W on the CAC.

Cherree Weeks (Resident along the Highway 99W Corridor)

Cherree Weeks helps run a computer hardware/software company in Tigard. She earned a degree in the Administration of Justice. Weeks has resided in Tigard for the past 8 years and has volunteered at several locations. She will represent residents along the Highway 99W corridor

Tim McGilvrey (Biking Advocate)

Tim McGilvrey is currently employed as a bicycle mechanic at REI in Tualatin. He earned a Bachelor of Arts from the University of Kansas. McGilvrey has lived in Tigard for the past 19 years and will serve as the biking advocate on the CAC.

Steve Boughton (Public Transportation Advocate)

Steve Boughton retired from his Manufacturing Engineer Manager position at Tektronix. He earned a Bachelor of Science in Zoology from Oregon State University. He has lived in Tigard for 21 years and will serve as the public transportation advocate on the CAC.

Sue Carver (Resident-at-large)

Sue Carver has been self-employed as a legal assistant for the past 16 years. She started volunteering in Tigard in 1982 and currently serves on the Committee for Citizen Involvement. Carver has lived in Tigard for 35 years and will serve on the CAC as a resident at large.

William Moss (Resident-at-large)

William Moss is a retired contractor who specialized in remodeling for 27 years. He earned a Bachelors in Fine Arts, specializing in Photography. Moss has lived in Tigard for 8 years and has served as a Habitat for Humanity volunteer in SE Portland. Moss will serve as a resident at large on the CAC.

Paul Owen (Transportation Financing Strategies Task Force)

Paul Owen is the former Public Works Director for Ventura CA. He has lived in Tigard for the past eight years. Owen has served on the Vision Task Force. He will be representing the Transportation Strategies Task Force on the CAC.

Agenda Item #

Meeting Date

October 24, 2006

LOCAL CONTRACT REVIEW BOARD AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Award of Architectural Services Contract for the Water Building Remodel

Prepared By: Brian Rager

Dept Head Approval: BR

City Mgr Approval: CR

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Should the LCRB authorize the award of an architectural services contract for the water building remodel project?

STAFF RECOMMENDATION

Staff recommends the LCRB approve, by motion, the award of a contract for architectural services to remodel the water building to **LRS Architects Inc.**, and authorize the City Manager to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

- At the July 18, 2006, the City Council heard a presentation on the water building remodel and relocation of Public Works staff to that building. The remodel project would:
 - Make way for one of the first urban renewal projects by providing a work space for staff currently housed in the Annex, a building slated for demolition as part of the Ash Drive/Burnham Street urban renewal project.
 - Consolidate administrative staff in a single, modern building.
 - Provide park and street staff, operating out of the public works yard, with ADA compliant restroom and lunchroom facilities.
 - Get the City one step closer to vacating the public works office/operations complex for urban renewal projects.
 - Provide funding to accomplish water building upgrades, allowing the City to make good use of a partially vacant, relatively modern facility.
- On August 8, 2006, the Council approved Budget Amendment #3 to the FY '06/'07 budget which funded the water building remodel project.
- A request for proposals was advertised on September 14, 2006, with proposals due on October 3, 2006.
- On September 21, 2006, a mandatory pre-bid walkthrough was conducted. Twelve architectural firms attended the meeting. LRS Architects was the only firm to submit a formal proposal. Staff believes other firms were ultimately not interested in the remodel, given the small scope of the project.

- Staff evaluated the LRS Architects' proposal and determined this firm has the qualifications, capabilities, staffing and experience necessary to perform the work. Under the contract, some of the tasks LRS Architects would perform include:
 - Preparation of a final design of the water building based on the conceptual plans and cost estimate
 - Development of construction bid documents and assistance with the bid process
 - Management of the construction contract and process

OTHER ALTERNATIVES CONSIDERED

The LCRB could choose not to award the contract to LRS Architects and could direct staff on how to proceed with the remodel/relocation project. Such a decision could delay the Ash Drive/Burnham Street urban renewal project, since staff occupying the Annex must be relocated prior to the construction the new intersection.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard Beyond Tomorrow: Community Character & Quality of Life:

Central Business District (CBD) Goal #1 – "Provide opportunities to work proactively with Tigard Central Business District Association (TCBDA) businesses and property owners and citizens of Tigard to set the course for the future of the central business district."

ATTACHMENT LIST

None.

FISCAL NOTES

A FY '06/ '07 budget amendment was approved by the Council to provide \$630,000 for the remodel project. This amount will cover the entire cost of the project including: architectural services, a new HVAC system, computer and phone connections, electrical wiring, moving expenses and interior repairs and updates. Of the \$630,000, architectural services through LRS Architects will cost approximately \$54,000.

Funding for the project will be divided as follows:

Water Fund	\$400,000	63%
Sanitary Sewer Fund	\$130,000	21%
Storm Water Fund	\$100,000	16%
TOTAL	\$630,000	100%

Agenda Item #

Meeting Date

October 24, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Legislative Public Hearing to Consider Revisions to the Community Development Code Relating to Planned Developments (DCA 2006-00003)

Prepared By: Sean Farrelly Dept Head Approval: TC City Mgr Approval: CP

ISSUE BEFORE THE COUNCIL

Should the Council approve the Development Code Amendment to change the purpose statement, application process, concept and detailed development plan requirements for Planned Developments and add related definitions?

STAFF RECOMMENDATION

Staff recommends approving the requested Development Code Amendment by adopting the attached ordinance and text amendments (**Attachment 1**), as recommended by motion of the City of Tigard Planning Commission.

KEY FACTS AND INFORMATION SUMMARY

The Council-established Planned Developments Code Review Committee worked with staff to develop new code language including a revised purpose statement, application process, concept and detailed development plan requirements in the Planned Developments Chapter (18.350), and add related terms to the Definitions Chapter (18.120). Notice procedures in the development code, including publication of notice in the paper, and written notice to the appropriate agencies were met. On September 18, 2006, the Tigard Planning Commission held a public hearing on the proposed changes. They recommended approval of the amendment (with additional revisions) by a unanimous vote (**Attachment 3**).

OTHER ALTERNATIVES CONSIDERED

Not applicable.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard Beyond Tomorrow-Growth and Growth Management, Goal No.1 – Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide open space throughout the community.

Two of the strategies to implement this goal are:

- 1) Review and modify development code sections to integrate open space preservation and protection into design standards. Planned Actions include: revising code sections to ensure that residential development incorporates open space; and developing and implementing design standards that preserve and protect open space, greenways, and natural areas.

- 2) Develop and implement design standards that preserve and protect open space, greenways, and natural areas. Planned Actions include: amending code to promote design that includes natural features and promotes connectivity to open space, greenways, and natural area access; and implementing a public process for adequate development/design review.
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ATTACHMENT LIST

Attachment 1: Ordinance adopting the code amendments

Exhibit A: Proposed Code text changes

Attachment 2: "Clean copy" of Proposed Code text changes

Attachment 3: September 18, 2006 Approved Planning Commission minutes (relevant section)

Attachment 4: Staff Report to the Planning Commission

Attachment 5: Public Comment: October 4, 2006 letter from Home Builder's Association

FISCAL NOTES

Not applicable.

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CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-_____

Attachment 1

AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE, CHAPTERS 18.120 AND 18.350, TO CREATE A NEW PURPOSE STATEMENT, APPROVAL PROCESS, APPROVAL CRITERIA, AND OTHER REVISIONS FOR PLANNED DEVELOPMENTS AND TO ADD RELATED DEFINITIONS.
(DCA 2006-00003)

WHEREAS, the applicant has requested an amendment to the Tigard Community Development Code Chapters 18.120 and 18.350, to create a new purpose statement, approval process, approval criteria and other revisions for Planned Developments; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 45 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public meeting on September 18, 2006, and recommended approval of the proposed amendment (with additional revisions) by motion with a unanimous vote; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.120.030, 18.350, 18.380.020, and 18.390.060; Comprehensive Plan Policies 1, 2, 3 and 6; and Statewide Planning Goals 1 and 2.

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as **"EXHIBIT A"** to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

EXHIBIT A

City of Tigard
DCA 2006-00003
Proposed Planned Developments Code Revisions
September 2006

Explanation of Formatting

These text amendments employ the following formatting:

~~Strikethrough~~ – For text to be deleted

[Bold and Italic] – For text to be added

Chapter 18.120 DEFINITIONS

[55. “Density bonus” – Additional dwelling units that can be earned as an incentive for providing undeveloped open space, landscaping, or tree canopy as defined further in this code.]

[87. “Landscaping” – Areas primarily devoted to plantings, trees, shrubs, lawn and other organic ground cover together with other natural or artificial supplements such as water courses, ponds, fountains, decorative lighting, benches, bridges, rock or stone arrangements, pathways, sculptures, trellises and screens.]

[104. Open Space Facility related definitions. Open Space Facilities may be privately or publicly owned:

- a. Minimal Use Facilities. No other improvements (apart from underground utilities and natural and ecological enhancements) are allowed.***
- b. Passive Use Facilities. Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.***
- c. Active Use Facilities. Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.]***

[Renumber definitions after #55 according to the above amendments]

Chapter 18.350 PLANNED DEVELOPMENTS

Sections:

- 18.350.010 Purpose**
- 18.350.020 The Process**
- 18.350.030 Administrative Provisions**
- 18.350.040 Noncompliance: Bond**
- 18.350.050 Applicability in Commercial and Industrial Zones**
- 18.350.060 Allowed Uses**
- 18.350.070 Applicability of the Base Zone Development Standards**
- 18.350.080 Exceptions to Underlying Development Standards**
- 18.350.090 [18.350.040] Conceptual Development Plan Submission Requirements**
[18.350.050 Concept Plan Approval Criteria]
[18.350.060 Detailed Development Plan Submission Requirements]
[18.350.070 Detailed Development Plan Approval Criteria]
- 18.350.100 Approval Criteria**
- 18.350.110 Shared Open Space**

18.350.010 Purpose

A. Purpose. The purposes of the planned development overlay zone are:

- ~~1—— To provide a means for creating planned environments through the application of flexible standards, i.e., zero-lot lines, narrower streets, and other innovative planning practices which will result in a superior living arrangement;~~
- ~~2—— To facilitate the efficient use of land;~~
- ~~3—— To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;~~
- ~~4—— To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site; and~~
- ~~5—— To encourage development that recognizes the relationship between buildings, their use, open space, and accessways and thereby maximizes the opportunities for innovative and diversified living environments.~~

- [1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; and]*
- [2. To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and]*

- [3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and]*
- [4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and]*
- [5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and]*
- [6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.]*

18.350.020 The Process

- A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. *[An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project, an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.]*
- B. Elements of approval process. There are three elements to the planned development approval process, as follows:
 - ~~1 — The approval of the planned development overlay zone;~~
 - ~~2 — The approval of the planned development concept plan; and~~
 - ~~3 — The approval of the detailed development plan.~~
 - [1. The approval of the planned development concept plan; and*
 - 2. The approval of the detailed development plan.*
 - 3. The approval of the planned development overlay zone.]*
- C. Decision-making process. ~~A new planned development overlay zone and/or concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.100. The detailed development plan shall be reviewed by means of a Type II procedure, as governed by 18.390.040, to ensure that it is substantially in compliance with the approved concept development plan. In the case of an existing planned development overlay zone for any other type of application, the application shall be reviewed under the provisions required in the chapters which apply to the particular land use application.~~
 - [1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.]*

[2. The detailed development plan shall be reviewed by means of a Type III-PC procedure, as governed by 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.]

[3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.]

[4. Applicants may choose to submit the concept plan and detailed plan for concurrent review subject to meeting all of the approval criteria for each approval. All applicants are advised that the purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detailed development plan and overlay zone.]

[5. In the case of an existing planned development overlay zone, once construction of the detailed plan has been completed, subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.]

[6. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.]

~~D. Concurrent overlay zone and conceptual plan applications. The application for the overlay zone and for approval of the conceptual development plan may be heard concurrently if an application for each of the actions is submitted.~~

~~E. Concurrent overlay zone and subdivision applications. If the application involves subdivision of land, the applicant may apply for preliminary plat approval and the applications shall be heard concurrently.~~

[D. Concurrent Applications for Concept Plan and Detailed Plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.]

18.350.030 Administrative Provisions

[A. Time limit on filing of detailed development plan. The concept plan approval expires after 1-1/2 years unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.070.]

~~A. [B.] Zoning map designation. Where a planned development overlay zone has been approved, [The planned development overlay zone application shall be concurrently approved if the~~

detailed development plan is approved by the Planning Commission.] The zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

~~B. Time limit on filing of detailed development plan. Within 1 1/2 years after the date of Commission approval of the conceptual development plan, the owner shall prepare and file with the Director a detailed development plan. Action on the detailed development plan shall be ministerial and taken by the Director by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria below:~~

~~1. The Director shall approve the detailed development plan upon finding that the final plan conforms with the conceptual development plan approved, or approved with conditions by the Commission. The detailed plan shall be approved unless the Director finds:~~

- ~~a. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;~~
- ~~b. The change reduces the amount of open space and landscaping;~~
- ~~c. The change involves a change in use;~~
- ~~d. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and~~
- ~~e. The change involves a major shift in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements.~~

~~2. A decision by the Director may be appealed by the applicant or other affected/approved parties to the Commission and the Commission shall decide whether the detailed development plan substantially conforms to the approved conceptual development plan based on the criteria set forth in Subsection 1 of this section. This appeal shall be governed by provisions of Section 18.390.040G.~~

C. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes have been made on the original conceptual development plan as approved by the Commission;
2. The applicant can show intent of applying for detailed development plan *[or preliminary plat]* review within the one year extension period; and
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

D. Phased development.

1. The Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for conceptual development plan review.
2. The criteria for approving a phased detail development plan proposal are that:

- a. The public facilities shall be constructed in conjunction with or prior to each phase; and
- b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.

E. Substantial modifications to conceptual plan. *[If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan shall be required.]* ~~Substantial modifications made to the approved conceptual development plan shall require a new application.~~

[F. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.]

[G. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.]

~~18.350.040 Noncompliance: Bond~~

~~A. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.~~

~~B. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.~~

~~18.350.050 Applicability in Commercial and Industrial Zones~~

~~A. By election. An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.~~

~~B. As condition of approval in commercial and industrial developments. An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.~~

~~18.350.060 Allowed Uses~~

~~A. In residential zones. In all residential zones, an applicant with a planned development approval~~

~~may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.100 B2. The following uses are allowed with planned development approval:~~

- ~~1 All uses allowed outright in the underlying zoning district;~~
- ~~2 Single-family detached and attached residential units;~~
- ~~3 Duplex residential units;~~
- ~~4 Multi-family residential units;~~
- ~~5 Manufactured homes;~~
- ~~6 Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone;~~
- ~~7 Community building;~~
- ~~8 Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;~~
- ~~9 Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and~~
- ~~10 Recreational vehicle storage area.~~

~~B. In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.~~

~~C. In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.~~

18.350.070 Applicability of the Base Zone Development Standards

~~A. Compliance to specific development standards. The provisions of the base zone are applicable as follows:~~

- ~~1 Lot dimensional standards: The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 18.715;~~
- ~~2 Site coverage: The site coverage provisions of the base zone shall apply;~~
- ~~3 Building height: The building height provisions shall not apply; and~~
- ~~4. Structure setback provisions:~~
 - ~~a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;~~
 - ~~b. The side yard setback provisions shall not apply except that all detached structures shall meet the Uniform Building Code requirements for fire walls; and~~
 - ~~c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:~~
 - ~~(1) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street.~~
 - ~~(2) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.~~

~~B. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.~~

18.350.080 Exceptions to Underlying Development Standards

~~A. Exceptions to parking requirements. The Commission may grant an exception to the off street parking dimensional and minimum number of space requirements in the applicable zone based on findings that:~~

- ~~1 The minor exception is not greater than 10 percent of the required parking; and~~
- ~~2 The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off street parking; or~~
- ~~3 There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or~~
- ~~4 Public transportation is available to the site, reducing the standards and will not adversely affect adjoining uses; or~~
- ~~5 There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.~~

~~B. Exceptions to sign requirements. The Commission may grant an exception to the sign dimensional requirements in the applicable zone based on findings that:~~

- ~~1 The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;~~
- ~~2 The exception is necessary for adequate identification of the use on the property; and~~
- ~~3 The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.~~

~~C. Exceptions to landscaping requirements. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan provides for 20% of the gross site area to be landscaped.~~

18.350.090 [18.350.040] Conceptual Development Plan Submission Requirements

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type IIIB ***[-PC]*** procedure, as governed by Section 18.390.050 ***[and the additional information required by 18.350.040.B.]*** In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include:

[a.] A description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

[b. An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed.]

[c. An explanation of how the proposal relates to the purposes of the Planned Development

Chapter as expressed in 18.350.010.]

[d. An explanation of how the proposal utilized the Planning Commissioner's Toolbox.]

2. A ***[general]*** development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
 3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. ***[In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.]***
 4. ~~A narrative statement presenting information, a detailed description of which is available from the Director.~~
- B. Additional information. In addition to the general information described in Subsection A above, the conceptual ~~development~~ plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:
1. Existing site conditions;
 2. A site concept ***[including the types of proposed land uses and structures, including housing types, and their general arrangement on the site] ;***
 3. A grading concept;
 4. A landscape concept ***[indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);***
 - [5. Parking concept;]***
 5. ***[6.]*** A sign concept; and
 - [7. A streets and utility concept; and]***
 - [8. Structure Setback and Development Standards concept, including the proposed residential density target if applicable.]***
 6. ~~A copy of all existing or proposed restrictions or covenants.~~

[C. Allowable Uses]

1. In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.070.A.3.c. The following uses are allowed with planned development approval:
 - a. All uses allowed outright in the underlying zoning district;
 - b. Single-family detached and attached residential units;

- c. Duplex residential units;
 - d. Multi-family residential units;
 - e. Manufactured homes;
 - f. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone ***[such as personal services, preschool or daycare, and retail uses less than 5,000 square feet in sum total];***
 - g. Community building;
 - h. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
 - i. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
 - j. Recreational vehicle storage area.
2. In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.
 3. In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.

[18.350.050 Concept Plan Approval Criteria]

[A. The concept plan may be approved by the Commission only if all of the following criteria are met:

- 1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.***
- 2. The concept plan identifies areas of significant natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.***
- 3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.***
- 4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.***
- 5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.***

6. *The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.]*

[18.350.060 Detailed Development Plan Submission Requirements]

[A. General submission requirements. *The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the approval criteria under 13.350.070.]*

[B. Additional Information. *In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information:*

1. *Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed.*
2. *A specific development schedule indicating the approximate dates of construction activity, including demolition, tree protection installation, tree removal, ground breaking, grading, public improvements, and building construction for each phase.*
3. *A copy of all existing and/or proposed restrictions or covenants.*
4. **Moderate to High Density Development Analysis.** *If proposing development in an area within a Metro designated town or regional center, the following additional information may be required:*
 - a. *Air movement: Prevailing breezes characteristic of a region may be greatly modified by urban high-rise structures. Predominant air movement patterns in a city may be along roadways and between buildings. The placement, shape, and height of existing buildings can create air turbulence caused by micro air movement patterns. These patterns may influence the location of building elements such as outdoor areas and balconies. Also a building's design and placement can mitigate or increase local wind turbulence.*
 - b. *Sun and shadow patterns: The sun and shadow patterns of existing structures should be studied to determine how they would affect the proposed building. This is particularly important for outdoor terraces and balconies where sunlight may be desirable. Sun and shadow patterns also should be considered as sources of internal heat gain or loss. Building orientation, window sizes and shading devices can modify internal heat gain or loss. Studies should include daily and seasonal patterns and the shadows the proposed building would cast on existing buildings and open spaces.*
 - c. *Reflections: Reflections from adjacent structures such as glass-clad buildings may be a problem. The development should be designed to compensate for such glare or if possible, oriented away from it.]*

[C. Compliance with specific development standards. *The Detailed Development Plan shall show*

compliance with base zone provisions , with the following modifications:

1. *Lot dimensional standards: The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.*
2. *Site coverage: The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks;*
3. *Building height: In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building.*
4. *Structure setback provisions:*
 - a. *Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;*
 - b. *The setback provisions for all setbacks on the interior of the project shall not apply except that:*
 - (1) *All structures shall meet the Uniform Building and Fire Code requirements;*
 - (2) *A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.*
 - (3) *A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.*
 - c. *If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The commission may require site specific building envelopes.*
5. *Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.]*

~~18.350.100~~ [18.350.070 Detailed Development Plan] Approval Criteria

[A. Detailed Development Plan Approval Criteria. A detailed development plan may be approved only if all the following criteria are met:

1. *The detailed plan is generally consistent with the concept plan. Minor changes from the concept plan do not make the detailed plan inconsistent with the concept plan unless:*

- a. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;*
- b. The change reduces the amount of open space and landscaping;*
- c. The change involves a change in use;*
- d. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and*
- e. The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.]*

~~A. Relationship to site development review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.~~

~~B. Specific planned development approval criteria. The Commission shall make findings that the following criteria are satisfied when approving or approving with conditions, the concept plan. The Commission shall make findings that the criteria are not satisfied when denying an application.~~

~~1. [2.] All the provisions of the land division provisions, Chapters 18.410, 18.420 [Partitions] and 18.430 [Subdivisions], shall be met [if applicable];~~

2. [3.] Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission, that promote the purpose of this [chapter] section. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed in Subsection 3 below. *[The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.]*

~~The developer may choose to provide or the commission may require additional open space dedication and/or provision of additional amenities, landscaping or tree planting.~~

[a. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.]

[b. Chapter 18.705, Access, Egress and Circulation. The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety

considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).]

- a. *[c.] Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, [using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.]*

The Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

- (1) *[A 1% bonus for each 5% of the gross site area set aside in open space, up to a maximum of 5%,]* ~~A maximum of 3% is allowed for the provision of [active use recreational open space] undeveloped common space, exclusive of areas contained in floodplain, [steep] slopes greater than 25%, drainageways, or wetlands that would otherwise be precluded from development;~~
- (2) *[Up to a maximum of 5% is allowed for the development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the "Planning Commission's Toolbox."]*
- (2) ~~A maximum of 3% is allowed for landscaping; streetscape development; developed open spaces, plazas and pedestrian pathways and related amenities; recreation area development; and/or retention of existing vegetation;~~
- (3) ~~A maximum of 3% is allowed for creation of visual focal points; use of existing physical amenities such as topography, view, and sun/wind orientation;~~
- (4) ~~A maximum of 3% quality of architectural quality and style; harmonious use of materials; innovative building orientation or building grouping; and/or varied use of housing types.~~

- [d.] Chapter 18.745, Landscaping and Screening. [The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.]*

- [e.] Chapter 18.765, Off-street Parking and Loading Requirements. [The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if :*

- (1) The minimum number of parking spaces is not reduced by more than 10 percent of the required parking; and*
- (2) The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or*
- (3) There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or*
- (4) Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or*
- (5) There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.]*

[f.] Chapter 18.780, Signs. [The Commission may grant an exception to the sign dimensional requirements in the applicable zone if:

- (1) The sign is not increased by more than 10 percent of the required applicable dimensional standard for signs; and*
- (2) The exception is necessary for adequate identification of the use on the property; and*
- (3) The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.]*

[g.] Chapter 18.795, Visual Clearance Areas. [The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;]

[h.] Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission has the authority to reject an exception request. The Commission can only grant an exception to street sanctions if it is sanctioned by the City Engineer. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

- (1) Public safety will not be compromised; and*
- (2) In the case of public streets, maintenance costs will not be greater than with a conforming design; and*

(3) The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.]

- ~~b. Chapter 18.730, Exceptions to Development Standards;~~
- ~~c. Chapter 18.795, Visual Clearance Areas;~~
- ~~d. Chapter 18.745, Landscaping and Screening;~~
- ~~e. Chapter 18.765, Off-street Parking and Loading Requirements;~~
- ~~f. Chapter 18.705, Access, Egress and Circulation; and~~
- ~~g. Chapter 18.780, Signs.~~

~~3.-~~ **[4.]** In addition, the following criteria shall be met:

a. Relationship to the natural and physical environment:

- (1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. **[The commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;]**
- (2) Structures located on the site shall not be in areas subject to ground slumping and sliding **[as demonstrated by the inclusion of a specific geotechnical evaluation;]**
- ~~(3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;~~
- (4) **[(3) Using the basic site analysis information from the concept plan submittal,]** the structures shall be oriented with consideration for the sun and wind directions, where possible; and
- ~~(5) Trees preserved to the extent possible. Replacement of trees is subject to the requirements of Chapter 18.790, Tree Removal.~~

b. Buffering, screening and compatibility between adjoining uses:

- (1) Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;
- (2) In addition to the requirements of the buffer matrix (Table 18.745.1), **[the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering and screening with alternate materials or methods.]** The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745:
 - (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
 - (c) The direction(s) from which buffering is needed;
 - (d) The required density of the buffering; and
 - (e) Whether the viewer is stationary or mobile.

- (3) On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
 - (a) What needs to be screened;
 - (b) The direction from which it is needed; and
 - (c) Whether the screening needs to be year- round.
- c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
- [d. Exterior elevations – single-family attached and multiple-family structures: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:***
 - (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;***
 - (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and***
 - (3) Offsets or breaks in roof elevations of three or more feet in height.]***
- d. ~~[e.]~~ Private outdoor area –~~[residential]~~ multi-family use:
 - (1) ~~In addition to the requirements of subparagraph (3),~~ ***[Exclusive of any other required open space facility,]*** each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, ~~[or]~~ porch) of not less than 48 square feet ***[with a minimum width dimension of four feet;]***
 - (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
 - (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.
- e. ~~[f.]~~ Shared outdoor recreation areas – ~~[residential]~~ multi-family use:
 - (1) ~~In addition to subparagraphs (2) and (3) of this section~~ ***[Exclusive of any other required open space facilities,]*** each ~~multiple-dwelling~~ ***[residential]*** development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
 - (a) Studio units up to and including two bedroom units, 200 square feet per unit; and
 - (b) Three or more bedroom units, 300 square feet per unit.
 - (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
 - (3) The required recreation space may be provided as follows:
 - ~~(a) It may be all outdoor space; or~~
 - ~~(b) It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or~~
 - ~~(c) It may be all public or common space; or~~

- (d) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room, and balconies on each unit; or
- (e) Where balconies are added to units, the balconies shall not be less than 48 square feet.

- [(a) Additional outdoor passive use open space facilities;*
- (b) Additional outdoor active use open space facilities;*
- (c) Indoor recreation center; or*
- (d) A combination of the above.]*

[g. Demarcation of public, semi-public and private spaces for crime prevention:

- (1) The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and***
- (2) These areas may be defined by, but not limited to:***
 - (a) A deck, patio, low wall, hedge, or draping vine;*
 - (b) A trellis or arbor;*
 - (c) A change in elevation or grade;*
 - (d) A change in the texture of the path material;*
 - (e) Sign; or*
 - (f) Landscaping.]*

f. [h.] Access and circulation:

- (1) The number of [required] allowed access points for a development shall be provided in Chapter 18.705;***
- (2) All circulation patterns within a development must be designed to accommodate emergency [and service] vehicles; and***
- (3) Provisions shall be made for pedestrian and bicycle ways [abutting and through a site] if such facilities are shown on an adopted plan [or terminate at the boundaries of the project site.]***

g. [i.] Landscaping and open space:

- (1) Residential Development: In addition to the [buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities,] requirements of subparagraphs (4) and (5) of section a of this subsection, a minimum of 20 percent of the site shall be landscaped. [This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation;]***
- (2) — Commercial Development: A minimum of 15 percent of the site shall be landscaped; — and***
- (3) — Industrial Development: A minimum of 15 percent of the site shall be landscaped;***

h. [j.] Public transit:

- (1) Provisions for public transit may be required where the site abuts ***[or is within a ¼ mile off]*** a public transit route. The required facilities shall be based on:
 - (a) The location of other transit facilities in the area; and
 - (b) The size and type of the proposed development.
 - (2) The required facilities ***[may include but are not necessarily limited to]*** ~~shall be limited to~~ such facilities as:
 - (a) A waiting shelter;
 - (b) A turn-out area for loading and unloading; and
 - (c) Hard surface paths connecting the development to the waiting area.
 - [(3) If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.]***
- i. ~~Signs:~~
- ~~(1) In addition to the provisions of Chapter 18.780, Signs:~~
 - ~~(a) Location of all signs proposed for the development site; and~~
 - ~~(b) The signs shall not obscure vehicle driver's sight distance;~~
- j. ***[k.]*** Parking:
- (1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter ~~Chapter~~ 18.765;
 - (2) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.
- k. ***[l.]*** Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter ***[18.810.]*** ~~18.775, and the criteria in the adopted 1981 master drainage plan; [An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.]~~
- l. ***[m.]*** Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- [n.]*** ~~18.350.110~~ Shared Open Space ***[Facilities: The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:***

- (1) Minimal Use Facilities.** Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).
- (2) Passive Use Facilities.** Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
- (3) Active Use Facilities.** Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
- (4) The open space area shall be shown on the final plan and recorded on the final plat or covenants.]**

10. Open Space Conveyance. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:]

~~A. Requirements for shared open space. Where the open space is designated on the plan as common open space the following applies:~~

- ~~1. The open space area shall be shown on the final plan and recorded with the Director; and~~
- ~~2. The open space shall be conveyed in accordance with one of the following methods:~~

~~a. [(1) Public Ownership.] By dedication to the City as publicly owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations [A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below;]~~

~~b. [(2) Private Ownership.] By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, [and granting a conservation easement to the City in a form acceptable by the City. The terms of the conservation easement must include provisions for the following:]~~
~~with the City retaining the development rights to the property. The terms of such~~

~~lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:~~

- (1) ~~(a)~~ The continued use of such land for the intended purposes;
- (2) ~~(b)~~ Continuity of property maintenance;
- (3) ~~(c)~~ When appropriate, the availability of funds required for such maintenance;
- (4) ~~(d)~~ Adequate insurance protection; and
- (5) ~~(e)~~ Recovery for loss sustained by casualty and condemnation or otherwise.

~~e. By any method which achieves the objectives set forth in Subsection 2 above of this section.~~

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Proposed Planned Developments Code Revisions, September 2006

Chapter 18.120
DEFINITIONS

55. "Density bonus" – Additional dwelling units that can be earned as an incentive for providing undeveloped open space, landscaping, or tree canopy as defined further in this code.

87. "Landscaping" – Areas primarily devoted to plantings, trees, shrubs, lawn and other organic ground cover together with other natural or artificial supplements such as water courses, ponds, fountains, decorative lighting, benches, bridges, rock or stone arrangements, pathways, sculptures, trellises and screens.

104. Open Space Facility related definitions. Open Space Facilities may be privately or publicly owned:

- a. "Minimal Use Facilities." No other improvements (apart from underground utilities and natural and ecological enhancements)) are allowed.
- b. "Passive Use Facilities." Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.
- c. "Active Use Facilities." Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.

Chapter 18.350
PLANNED DEVELOPMENTS

Sections:

18.350.010 Purpose

18.350.020 Process

18.350.030 Administrative Provisions

18.350.040 Concept Plan Submission Requirements

18.350.050 Concept Plan Approval Criteria

18.350.060 Detailed Development Plan Submission Requirements

18.350.070 Detailed Development Plan Approval Criteria

18.350.010 Purpose

A. Purpose. The purposes of the planned development overlay zone are:

1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City; and

2. To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and
3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and
4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and
5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and
6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

18.350.020 Process

- A. Applicable in all zones. The planned development designation is an overlay zone applicable to all zones. An applicant may elect to develop the project as a planned development, in compliance with the requirements of this chapter, or in the case of a commercial or industrial project an approval authority may apply the provisions of this chapter as a condition of approving any application for the development.
- B. Elements of approval process. There are three elements to the planned development approval process, as follows:
 1. The approval of the planned development concept plan; and
 2. The approval of the detailed development plan;
 3. The approval of the planned development overlay zone.
- C. Decision-making process.
 1. The concept plan shall be processed by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.350.050.
 2. The detailed development plan shall be reviewed by means of a Type III-PC procedure, as governed by 18.390.050, to ensure that it is substantially in compliance with the approved concept plan.
 3. The planned development overlay zone will be applied concurrently with the approval of the detailed plan.
 4. Applicants may choose to submit the concept plan and detailed plan for concurrent review subject to meeting all of the approval criteria for each approval. All applicants are advised that the

purpose of separating these applications is to provide them clear direction in developing the detailed plans. Rejection of the concept plan will result in a corresponding rejection of the detailed development plan and overlay zone.

5. In the case of an existing planned development overlay zone, once construction of the detailed plan has been completed, subsequent applications conforming to the detailed plan shall be reviewed under the provisions required in the chapter which apply to the particular land use application.
6. If the application involves subdivision of land, the applicant may also apply for preliminary plat approval and the applications shall be heard concurrently with the detailed plan.

D. Concurrent Applications for Concept Plan and Detailed Plan. In the case of concurrent applications for concept plan and detailed development plan, including subdivision applications, the applicant shall clearly distinguish the concept from the detailed plan. The Planning Commission shall take separate actions on each element of the Planned Development application (i.e. the concept approval must precede the detailed development approval); however each required action may be made at the same hearing.

18.350.030 Administrative Provisions

- A. Time limit on filing of detailed development plan. The concept plan approval expires after 1-1/2 years unless an application for detailed development plan and, if applicable, a preliminary plat approval or request for extension is filed. Action on the detailed development plan shall be taken by the Planning Commission by means of a Type III-PC procedure, as governed by Section 18.390.050, using approval criteria in 18.350.070.
- B. Zoning map designation. The planned development overlay zone application shall be concurrently approved if the detailed development plan is approved by the Planning Commission. The zoning map shall be amended to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.
- C. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
 1. No changes have been made on the original concept development plan as approved by the Planning Commission;
 2. The applicant can show intent of applying for detailed development plan or preliminary plat review within the one year extension period; and
 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
- D. Phased development.
 1. The Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for concept development plan review.
 2. The criteria for approving a phased detail development plan proposal are that:
 - a. The public facilities shall be constructed in conjunction with or prior to each phase; and

- b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
- E. Substantial modifications to the concept plan. If the Planning Commission finds that the detailed development plan or preliminary plat does not substantially conform to the concept plan, a new concept plan shall be required.
- F. Noncompliance. Noncompliance with an approved detailed development plan shall be a violation of this chapter.
- G. Issuance of occupancy permits. The development shall be completed in accordance with the approved detailed development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Director determines that immediate execution of any feature of an approved detailed development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require the posting of a performance bond or other surety to secure execution of the feature at a time certain not to exceed one year.

18.350.040 Concept Plan Submission Requirements

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050 and the additional information required by 18.350.040.B. In addition, the applicant shall submit the following:
 - 1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include:
 - a. A description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - b. An explanation of the architectural style, and what innovative site planning principles are utilized including any innovations in building techniques that will be employed.
 - c. An explanation of how the proposal relates to the purposes of the Planned Development Chapter as expressed in 18.350.010.
 - d. An explanation of how the proposal utilized the Planning Commissioner's Toolbox.
 - 2. A general development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
 - 3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development. In the case where a residential subdivision is proposed, the statement shall include the applicant's intentions whether the applicant will build the homes, or sell the lots to other builders.
- B. Additional information. In addition to the general information described in Subsection A above, the concept plan, data, and narrative shall include the following information, the detailed content of which can be obtained from the Director:

1. Existing site conditions;
2. A site concept including the types of proposed land uses and structures, including housing types, and their general arrangement on the site;
3. A grading concept;
4. A landscape concept indicating a percentage range for the amount of proposed open space and landscaping, and general location and types of proposed open space(s);
5. Parking concept
6. A sign concept;
7. A streets and utility concept; and
8. Structure Setback and Development Standards concept, including the proposed residential density target if applicable.

C. Allowable Uses

1. In residential zones. In all residential zones, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the density provisions of the underlying zone and the density bonus provisions of 18.350.070.A.3.c. The following uses are allowed with planned development approval:
 - a. All uses allowed outright in the underlying zoning district;
 - b. Single-family detached and attached residential units;
 - c. Duplex residential units;
 - d. Multi-family residential units;
 - e. Manufactured homes;
 - f. Accessory services and commercial uses directly serving the planned development only and which are customary or associated with, but clearly incidental to the uses permitted in the zone, such as personal services, preschool or daycare, and retail uses less than 5,000 square feet in sum total;
 - g. Community building;
 - h. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
 - i. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
 - j. Recreational vehicle storage area.

2. In commercial zones. In all commercial zones, an applicant with a planned development approval may develop the site to contain all of the uses permitted outright in the underlying zone and, in addition, a maximum of 25% of the total gross floor area may be used for multi-family dwellings in those commercial zones that do not list multi-family dwellings as an outright use.
3. In industrial zones. In all industrial zones, a planned development shall contain only those uses allowed outright in the underlying zoning district.

18.350.050 Concept Plan Approval Criteria

A. The concept plan may be approved by the Commission only if all of the following criteria are met:

1. The concept plan includes specific designations on the concept map for areas of open space, and describes their intended level of use, how they relate to other proposed uses on the site, and how they protect natural features of the site.
2. The concept plan identifies areas of significant natural resources, if any, and identifies methods for their maximized protection, preservation, and/or management.
3. The concept plan identifies how the future development will integrate into the existing neighborhood, either through compatible street layout, architectural style, housing type, or by providing a transition between the existing neighborhood and the project with compatible development or open space buffers.
4. The concept plan identifies methods for promoting walkability or transit ridership, such methods may include separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.
5. The concept plan identifies the proposed uses, and their general arrangement on site. In the case of projects that include a residential component, housing type, unit density, or generalized lot sizes shall be shown in relation to their proposed location on site.
6. The concept plan must demonstrate that development of the property pursuant to the plan results in development that has significant advantages over a standard development. A concept plan has a significant advantage if it provides development consistent with the general purpose of the zone in which it is located at overall densities consistent with the zone, while protecting natural features or providing additional amenities or features not otherwise available that enhance the development project or the neighborhood.

18.350.060 Detailed Development Plan Submission Requirements

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type III-PC procedure, as governed by Section 18.390.050, the additional information required by 18.350.040.B and the approval criteria under 13.350.070.
- B. Additional Information. In addition to the general information described in Subsection A above, the detailed development plan, data, and narrative shall include the following information:
 1. Contour intervals of 2 to 5 ft, depending on slope gradients, and spot elevations at breaks in grade, along drainage channels or swales, and at selected points, as needed
 2. A specific development schedule indicating the approximate dates of construction activity, including

demolition, tree protection installation, tree removal, ground breaking, grading, public improvements, and building construction for each phase.

3. A copy of all existing and/or proposed restrictions or covenants.

4. Moderate to High Density Development Analysis. If proposing development in an area within a Metro designated town or regional center, the following additional information may be required:

a. Air movement: Prevailing breezes characteristic of a region may be greatly modified by urban high-rise structures. Predominant air movement patterns in a city may be along roadways and between buildings. The placement, shape, and height of existing buildings can create air turbulence caused by micro air movement patterns. These patterns may influence the location of building elements such as outdoor areas and balconies. Also a building's design and placement can mitigate or increase local wind turbulence.

b. Sun and shadow patterns: The sun and shadow patterns of existing structures should be studied to determine how they would affect the proposed building. This is particularly important for outdoor terraces and balconies where sunlight may be desirable. Sun and shadow patterns also should be considered as sources of internal heat gain or loss. Building orientation, window sizes and shading devices can modify internal heat gain or loss. Studies should include daily and seasonal patterns and the shadows the proposed building would cast on existing buildings and open spaces.

c. Reflections: Reflections from adjacent structures such as glass-clad buildings may be a problem. The development should be designed to compensate for such glare or if possible, oriented away from it.

C. Compliance with specific development standards. The Detailed Development Plan shall show compliance with base zone provisions, with the following modifications:

1. Lot dimensional standards: The minimum lot depth and lot width standards shall not apply. There shall be no minimum lot size except that lots on the perimeter of the project shall not be less than 80% of the minimum size required in the base zone.

2. Site coverage: The maximum site coverage is 80%, except in the IP zone where the maximum site coverage shall be 75%. Site coverage includes all buildings and impervious surfaces such as streets and sidewalks;

3. Building height: In residential zones, any increase in the building height above the maximum in the base zone will require that the structure be setback from the perimeter of the site a distance of at least 1-1/2 times the height of the building,

4. Structure setback provisions:

a. Setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 18.360;

b. The setback provisions for all setbacks on the interior of the project shall not apply except that:

(1) All structures shall meet the Uniform Building and Fire Code requirements;

- (2) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
- (3) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided. This setback may be reduced for rear or side loaded garages, if specified on the detailed plan and proper clearances for backing movements are accounted for.
- c. If seeking to modify the base zone setbacks, the applicant shall specify the proposed setbacks, either on a lot by lot, or project wide basis. The commission may require site specific building envelopes.
- 5. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.

18.350.070 Detailed Development Plan Approval Criteria

A. Detailed Development Plan Approval Criteria. A detailed development plan may be approved only if all the following criteria are met:

- 1. The detailed plan is generally consistent with the concept plan. Minor changes from the concept plan do not make the detailed plan inconsistent with the concept plan unless:
 - a. The change increases the residential densities, increases the lot coverage by buildings or reduces the amount of parking;
 - b. The change reduces the amount of open space and landscaping;
 - c. The change involves a change in use;
 - d. The change commits land to development which is environmentally sensitive or subject to a potential hazard; and
 - e. The change involves a major shift in the location of buildings, proposed streets, parking lots, landscaping or other site improvements.
- 2. All the provisions of the land division provisions, Chapters 18.420 Partitions and 18.430 Subdivisions, shall be met if applicable;
- 3. Except as noted, the provisions of the following chapters shall be utilized as guidelines. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Commission, that promote the purpose of this chapter. In each case, the applicant must provide findings to justify the modification of the standards in the chapters listed below. The applicant shall respond to all the applicable criteria of each chapter as part of these findings and clearly identify where their proposal is seeking a modification to the strict application of the standards. For those chapters not specifically exempted, the applicant bears the burden of fully complying with those standards, unless a variance or adjustment has been requested.

- a. Chapter 18.360, Site Development Review. The provisions of Chapter 18.360, Site Development Review, are not applicable to Planned Development Reviews. The detailed development plan review is intended to address the same type of issues as the Site Development Review.
- b. Chapter 18.705, Access, Egress and Circulation. The Commission may grant an exception to the access standards, upon a demonstration by a professional engineer that the resulting access will not be detrimental to the public safety considering emergency vehicle needs, and provisions are provided for all modes of transportation using the site (vehicles, bicycles, pedestrians, and transit).
- c. Chapter 18.715, Density Computation and Limitations. Unless authorized below, density shall be governed by the density established in the underlying zoning district, using the minimum lot size established for that district. Where a project site encompasses more than one underlying zoning district, density shall be aggregated for each district, and may be allocated anywhere within the project site, as deemed appropriate by the commission.

The Commission may further authorize a density bonus not to exceed 10% as an incentive to increase or enhance open space, architectural character and/or site variation incorporated into the development. These factors must make a substantial contribution to objectives of the planned development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Commission may approve according to the following:

- (1) A 1% bonus for each 5% of the gross site area set aside in open space, up to a maximum of 5%, is allowed for the provision of active use recreational open space, exclusive of areas contained in floodplain, steep slopes, drainageways, or wetlands that would otherwise be precluded from development;
 - (2) Up to a maximum of 5% is allowed for the development of pedestrian amenities, streetscape development, recreation areas, plazas, or other items from the "Planning Commission's Toolbox."
- d. Chapter 18.745, Landscaping and Screening. The Commission may grant an exception to the landscape requirements of this title upon a finding that the overall landscape plan was prepared by a licensed landscape architect, provides for 20% of the net site area to be professionally landscaped, and meets the intent of the specific standard being modified.
 - e. Chapter 18.765, Off-street Parking and Loading Requirements. The Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone if :
 - (1) The minimum number of parking spaces is not reduced by more than 10 percent of the required parking; and
 - (2) The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., a nursing home, and which has a low demand for off-street parking; or

- (3) There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
- (4) Public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; or
- (5) There is a community interest in the preservation of particular natural features of the site which make it in the public interest to grant an exception to parking standards.

f. Chapter 18.780, Signs. The Commission may grant an exception to the sign dimensional requirements in the applicable zone if :

- (1) The sign is not increased by more than 10 percent of the required applicable dimensional standard for signs; and
- (2) The exception is necessary for adequate identification of the use on the property; and
- (3) The sign will be compatible with the overall site plan, the structural improvements and with the structures and uses on adjoining properties.

g. Chapter 18.795, Visual Clearance Areas. The Commission may grant an exception to the visual clearance requirements, when adequate sight distance is or can be met;

h. Chapter 18.810, Street and Utility Improvements, Sections 18.810.040, Blocks; and 18.810.060, Lots. Deviations from street standards shall be made on a limited basis, and nothing in this section shall obligate the City Engineer to grant an exception. The Commission has the authority to reject an exception request. The Commission can only grant an exception to street sanctions if it is sanctioned by the City Engineer.. The City Engineer may determine that certain exceptions to the street and utility standards are permissible when it can be shown that:

- (1) Public safety will not be compromised; and
- (2) In the case of public streets, maintenance costs will not be greater than with a conforming design; and
- (3) The design will improve stormwater conveyance either by reducing the rate or amount of runoff from present standards or increasing the amount of pollutant treatment.

4. In addition, the following criteria shall be met:

a. Relationship to the natural and physical environment:

- (1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible. The commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion;

- (2) Structures located on the site shall not be in areas subject to ground slumping and sliding as demonstrated by the inclusion of a specific geotechnical evaluation;
 - (3) Using the basic site analysis information from the concept plan submittal, the structures shall be oriented with consideration for the sun and wind directions, where possible; and
 - b. Buffering, screening and compatibility between adjoining uses:
 - (1) Buffering shall be provided between different types of land uses, e.g., between single-family and multi-family residential, and residential and commercial uses;
 - (2) In addition to the requirements of the buffer matrix (Table 18.745.1), the requirements of the buffer may be reduced if a landscape plan prepared by a registered Landscape Architect is submitted that attains the same level of buffering and screening with alternate materials or methods. The following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 18.745.:
 - (a) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
 - (b) The size of the buffer needs in terms of width and height to achieve the purpose;
 - (c) The direction(s) from which buffering is needed;
 - (d) The required density of the buffering; and
 - (e) Whether the viewer is stationary or mobile.
 - (3) On-site screening from view from adjoining properties of such activities as service areas, storage areas, parking lots and mechanical devices on roof tops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:
 - (a) What needs to be screened;
 - (b) The direction from which it is needed; and
 - (c) Whether the screening needs to be year- round.
 - c. Privacy and noise: Non-residential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;
 - d. Exterior elevations – Single-family attached and multiple-family structures: Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
 - (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;

(2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and

(3) Offsets or breaks in roof elevations of three or more feet in height.

e. Private outdoor area – residential use:

(1) Exclusive of any other required open space facility, each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, or porch) of not less than 48 square feet with a minimum width dimension of four feet;

(2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and

(3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

f. Shared outdoor recreation and open space facility areas – residential use:

(1) Exclusive of any other required open space facilities, each residential dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:

(a) Studio units up to and including two bedroom units, 200 square feet per unit;

(b) Three or more bedroom units, 300 square feet per unit.

(2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;

(3) The required recreation space may be provided as follows:

(a) Additional outdoor passive use open space facilities;

(b) Additional outdoor active use open space facilities;

(c) Indoor recreation center; or

(d) A combination of the above.

g. Demarcation of public, semi-public and private spaces for crime prevention:

(1) The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and

(2) These areas may be defined by, but not limited to:

(a) A deck, patio, low wall, hedge, or draping vine;

- (b) A trellis or arbor;
- (c) A change in elevation or grade;
- (d) A change in the texture of the path material;
- (e) Sign; or
- (f) Landscaping.

h. Access and circulation:

- (1) The number of required access points for a development shall be provided in Chapter 18.705;
- (2) All circulation patterns within a development must be designed to accommodate emergency and service vehicles; and
- (3) Provisions shall be made for pedestrian and bicycle ways abutting and through a site if such facilities are shown on an adopted plan or terminate at the boundaries of the project site.

i. Landscaping and open space:

- (1) Residential Development: In addition to the buffering and screening requirements of paragraph b of this subsection, and any minimal use open space facilities, a minimum of 20 percent of the site shall be landscaped. This may be accomplished in improved open space tracts, or with landscaping on individual lots provided the developer includes a landscape plan, prepared or approved by a licensed landscape architect, and surety for such landscape installation;

j. Public transit:

- (1) Provisions for public transit may be required where the site abuts or is within a ¼ mile of a public transit route. The required facilities shall be based on:
 - (a) The location of other transit facilities in the area; and
 - (b) The size and type of the proposed development.
- (2) The required facilities may include but are not necessarily limited to such facilities as:
 - (a) A waiting shelter;
 - (b) A turn-out area for loading and unloading; and
 - (c) Hard surface paths connecting the development to the waiting area.
- (3) If provision of such public transit facilities on or near the site is not feasible, the developer may contribute to a fund for public transit improvements provided the Commission establishes a direct relationship and rough proportionality between the impact of the development and the requirement.

- k. Parking:
 - (1) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 18.765;
 - (2) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.
- l. Drainage: All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 18.810. An applicant may propose an alternate means for stormwater conveyance on the basis that a reduction of stormwater runoff or an increase in the level of treatment will result from the use of such means as green streets, porous concrete, or eco roofs.
- m. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- n. Shared Open Space Facilities: The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. The open space facility may be comprised of any combination of the following:
 - (1) Minimal Use Facilities. Up to 75% of the open space requirement may be satisfied by reserving areas for minimal use. Typically these areas are designated around sensitive lands (steep slopes, wetlands, streams, or 100 year floodplain).
 - (2) Passive Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for passive recreational use.
 - (3) Active Use Facilities. Up to 100% of the open space requirement may be satisfied by providing a detailed development plan for improvements (including landscaping, irrigation, pathway and other structural improvements) for active recreational use.
 - (4) The open space area shall be shown on the final plan and recorded on the final plat or covenants.
- o. Open Space Conveyance. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system.

Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks or other public use, provided that the reservation or dedication is roughly proportional to the impact of the subdivision on the park system. The open space shall be conveyed in accordance with one of the following methods:

- (1) Public Ownership. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations. A determination of City acceptance shall be made in writing by the Parks & Facilities Division Manager prior to final approval. Dedications of open space may be eligible for Systems Development Charge credits, usable only for the proposed development. If deemed to be not acceptable, the open space shall be in private ownership as described below;
- (2) Private Ownership. By conveying title (including beneficial ownership) to a corporation, home association or other legal entity, and granting a conservation easement to the City in a form acceptable by the City. The terms of the conservation easement must include provisions for the following:
 - (a) The continued use of such land for the intended purposes;
 - (b) Continuity of property maintenance;
 - (c) When appropriate, the availability of funds required for such maintenance;
 - (d) Adequate insurance protection; and
 - (e) Recovery for loss sustained by casualty and condemnation or otherwise.

Commissioner Caffall believes the applicant has considered every conceivable angle to make the development work. He realizes there will be glitches with the parking, but the buyers will have to deal with it.

President Inman believes there may be better opportunities for the pocket park. Other than the redwood tree, she thinks the park is misplaced. She also agrees about the parking, but realizes that this is what happens with these types of projects.

Commissioner Walsh hopes that the giant redwood is well preserved during the demolition and construction phases of the project.

Commissioner Buehner noted that when she attended the neighborhood meeting, she expressed concerns about these same items. She had recommended the developer look at the proposed changes for the PD code. She is pleased that they took what the intent of the new code is and incorporated some of the ideas into the plan.

For clarification of condition #24, it was noted that the Planning Commission is in favor of leaving the sidewalks in front of units 69-83 as shown on the plan.

Commissioner Buehner moved for approval of Subdivision (SUB) 2006-10001/Planned Development Review (PDR) 2006-10001/Zone Change (ZON) 2006-10001/Sensitive Lands Review (SLR) 2006-10003, 10004, 10006 & 2006-00006/Tree Removal Permit (TRE) 2006-00011 & 00012/Variance (VAR) 2006-00070, 00071 & 00072, based upon the staff report and the testimony received at the hearing, with the clarification of #24. Commissioner Caffall seconded the motion. The motion passed unanimously.

5.2 DEVELOPMENT CODE AMENDMENT (DCA) 2006-00003 PLANNED DEVELOPMENT CODE AMENDMENT

REQUEST: The applicant is requesting approval of a Development Code Amendment to change the procedures and approval criteria for Planned Developments (Chapter 18.350) and add Definitions in Chapter 18.120. The proposed changes to Chapter 18.350 include a new purpose statement, and a new approval process and approval criteria. Related definitions of "density bonus", "landscaping", and open space facility" would be added to the Definitions Chapter (18.120). The complete text of the proposed Code Amendment can be viewed at http://www.tigard-or.gov/code_amendments.

LOCATION: Citywide. **ZONE:** Citywide. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.120, 18.350 and 18.390; Comprehensive Plan Policies 1, 2, 3 and 6 and Statewide Planning Goals 1 and 2.

STAFF REPORT

Associate Planner Sean Farrelly reviewed the history and process involved with the proposed planned development code changes. He noted the changes from current to proposed language (Exhibit B).

For shared open space facilities, President Inman asked for clarification about designating a minimum of 20% of the gross site area as an open space facility. She wondered if it should be 20% of net rather than gross. The proposal states gross.

President Inman also asked for clarification about section 18.350.070.4 i, Landscaping and Open Space. The minimum of 20% of the site doesn't specify if it's 20% of gross or 20% of net.

Commissioner Harbison noted that the proposed code revisions contain two definitions for "minimal use facilities" – one definition allows trails, the other does not. It was concluded that "minimal use facilities" should not allow trails. Trails should fall under "passive use". After much discussion, it was decided that the definition of "minimal use facilities" should read, "No improvements apart from underground utilities and natural and ecological enhancements are allowed."

After discussion on section 18.350.070.4 n, for Shared Open Space Facilities, the Commission decided to remove the words "Exclusive of any other required open space or buffer areas,". The section would now read, "The detailed development plan shall designate a minimum of 20% of the gross site area as a shared open space facility. ..."

PUBLIC TESTIMONY

Ernie Platt from the Home Builders Association of Metropolitan Portland submitted a letter requesting consideration of some changes to the proposed code language (Exhibit C).

Regarding section 18.350.060 B 2, Alice Ellis Gaut (member of the PD Review Committee) advised that schedule dates are only an informational requirement, not a condition of approval. John Frewing (member of the PD Review Committee) advised that LUBA has already ruled that information requirements are not approval criteria.

Regarding 18.350.060 C 4 c, some Commissioners agreed that building envelope could be an appropriate term rather than structural footprint.

Regarding 18.350.070 A 4 a (1), Commissioner Buehner advised that the goal of this section is to encourage developers to be creative. President Inman said she could see the problem with how the section is written. What they are looking for is some demonstration from the applicant that they have considered alternatives. Mr. Platt noted that the Commission can either approve or deny an application. If it's denied, that forces the issue of alternatives. Commissioner Walsh said he would like to preserve the intent of the section to challenge

developers. Mr. Platt suggested expanding the sentence to say, "an alternate plan that would further demonstrate compliance with the purposes as stated in the ordinance and/or to address specific concerns." The Commission decided to change the wording of this section to read, "The Commission may require the applicant to provide an alternate site plan to demonstrate compliance with this criterion."

Regarding section 18.350.070 A 4 d, the Commission agreed to insert the words "single-family attached and multiple-family structures" ahead of "residential use" in the sub-title of this section.

John Frewing, 7110 SW Lola Lane, Tigard 97223, agreed with Mr. Platt's third and fourth requests. The first one is just information. He would like the Commission to retain the right to ask for structural footprints. This is especially important with regard to tree protection.

Mr. Platt noted that the building envelope may be site specific. The Commission may require a site specific building envelope. The Commissioners decided to strike the second sentence. The new second sentence shall read, "The Commission may require site specific building envelope."

Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard 97224, signed up to speak but noted that all her issues had already been discussed.

PUBLIC HEARING CLOSED

For record, President Inman disagrees with the separation of the concept and the detail development plans. She believes it is an extra step that is not necessary.

Commissioner Harbison moved to recommend approval of the Development Code Amendment to the Planned Development Chapter 18.350 and Definitions Chapter 18.120, file number DCA 2006-00003, with the changes discussed tonight, and based on the staff report and the testimony heard tonight. Commissioner Buehner seconded the motion. The motion passed unanimously.

6. COMP PLAN UPDATE **- HOUSING/OVERVIEW** **- ECONOMY/OVERVIEW**

It was decided to postpone these items until September 25th.

7. OTHER BUSINESS

None

Agenda Item: 5.2
Hearing Date: September 18, 2006 Time: 7:00 P

**STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**



SECTION I. APPLICATION SUMMARY

FILE NAME: DEVELOPMENT CODE AMENDMENT TO THE PLANNED DEVELOPMENTS CHAPTER (18.350) AND DEFINITIONS CHAPTER (18.120)

FILE NO.: Development Code Amendment (DCA) DCA2006-00003

PROPOSAL: The City is requesting approval of a Development Code Amendment to amend the Planned Developments Chapter (18.350) and the Definitions Chapter (18.120) of the Tigard Community Development Code. The proposed amendments would add a new purpose statement, approval process, approval criteria and other revisions to Chapter 18.350. Related definitions of "density bonus," "landscaping," and "open space facilities" would be added to Chapter 18.120.

APPLICANT: City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

OWNER: N/A

LOCATION: City wide

**COMP PLAN/
ZONING
DESIGNATION:** City wide.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.120.030, 18.350, 18.380.020, 18.390.06; Comprehensive Plan Policies 1, 2, 3 and 6; and Statewide Planning Goals 1 and 2.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Tigard City Council to amend the Planned Developments Chapter (18.350) and Definitions Chapter (18.120) of the Tigard Community Development Code as determined through the public hearing process.

SECTION III. BACKGROUND INFORMATION

The Planned Developments Chapter of the Tigard Development Code is intended to grant flexibility to the underlying development code standards, in order to encourage innovative design and development, particularly for parcels that are physically constrained.

Three years ago, some Tigard citizens raised concerns about the density, appearance, and lack of open space in certain developments that were approved under the provisions of the Planned Developments chapter. On January 27, 2004, the City Council passed a resolution to form a citizen committee to review and possibly recommend changes to the Planned Developments chapter. The Committee members represented a broad spectrum of views on the issue. The Planned Developments Code Review Committee held meetings over several months. They reviewed the code and made a recommendation to substantially reorganize and rewrite the chapter.

In April 2006, the Committee presented its draft changes to both the City Council and Planning Commission. Both of these bodies made suggestions for further refinement. The committee met two additional times to refine the draft. The proposed code amendment was drafted with input from the Committee, the City Council, the City Attorney, the Planning Commission and staff.

SECTION IV. APPLICABLE CRITERIA AND FINDINGS

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060.G.

Chapter 18.390.060.G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197;

Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code and Comprehensive Plan have been acknowledged by DLCD. The following Statewide Planning Goals are applicable to this proposal:

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal was met by the City Council's appointment of a committee of citizens, who reviewed the Development Code and recommended changes.

This goal has also been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the Tigard Times newspaper prior to the public hearing. Two Public Hearings are being held (one before the Planning Commission and the second before the City Council) in which public input is welcome.

Notice was also sent to the owners of 53 properties that currently have Planned Development Overlay designations and appear on the 2005 Tigard Buildable Land Inventory. The proposed changes were also sent to other interested parties, including the Home Builders Association and several local land use consultants.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

APPLICABLE METRO REGULATIONS:

There are no applicable Metro regulations that this amendment directly impacts.

APPLICABLE COMPREHENSIVE PLAN POLICIES:

Comprehensive Plan Policy 1.1.1: General Policies

This policy states that all future legislative changes shall be consistent with the Statewide Planning Goals and the Regional Plan adopted by Metro. As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and the Regional Plan.

Comprehensive Plan Policies 2.1.1, 2.1.2, and 2.1.3.: Citizen Involvement

These policies state that the City shall maintain an ongoing citizen involvement program, provide opportunities for citizen involvement appropriate to the scale of the planning effort and that information on land use planning issues shall be available in understandable form for all interested citizens.

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice of the Planning Commission public hearing was published in the Tigard Times on August 31, 2006. Notice will be published again prior to the City Council public hearing. Notice was also sent to the owners of 53 properties that currently have Planned Development Overlay designations and appear on the 2005 Tigard Buildable Land Inventory, and to other interested parties for comment. The written notices invited public input and included the phone number of a contact person to answer any questions. The notice also included the web address where the entire draft of the text changes could be viewed.

This policy is also satisfied by the City Council's appointment of a citizen committee who reviewed the Development Code and recommended changes.

Comprehensive Plan Policy 3: Natural Features and Open Space

This policy addresses a broad range of topics all having to do with the natural resources located in Tigard. The use of Planned Developments is suggested as a way to limit impacts on wetlands (3.2.4) and designated tree or timbered areas (3.4.2).

This policy is satisfied because the proposed changes strengthen protection for natural resources. A new approval criterion would require identification of areas of significant natural resources on the concept plan and methods for their maximized protection, preservation, and/or management.

Comprehensive Plan Policy 6: Housing

This policy addresses housing in Tigard. The Planned Development process is listed as a way to allow properties exhibiting physical constraint characteristics, e.g., steep slopes or floodplains, to develop with density transfers allowable on the site (6.1.1).

This policy is satisfied as the proposed amendment will preserve the flexibility of the Planned Development process to develop properties with physical constraints.

APPLICABLE PROVISIONS OF THE CITY'S IMPLEMENTING ORDINANCES.

Tigard Development Code Chapter 18.120: Definitions

This chapter contains the meaning of specific words and terms used in the Development Code. The proposed changes to the sections of the Planned Developments chapter include a number of terms that need to be specifically defined. The terms are "Density bonus," "Landscaping," and three "Open Space Facility" related definitions- "Minimal Use Facilities," "Passive Use Facilities," and "Active Use Facilities."

Tigard Development Code Chapter 18.350: Planned Developments

This chapter establishes procedures and criteria for establishing Planned Development Overlay Zones, which allow for flexible standards and other innovative planning practices, when developing property. The proposed amendment would substantially reorganize and rewrite this chapter, and make a clear distinction between the Concept Plan and Detailed Development Plan sections of the approval process. The new organization of the chapter would start with an expanded new purpose statement, followed by an outline of the process, miscellaneous administrative provisions, the Concept Plan submission requirements, Concept Plan approval criteria, Detailed Development Plan submission requirements, and Detailed Development Plan approval criteria.

The proposed purpose statement is more comprehensive than the present code language. Environmental considerations would be made more central to the purpose of the chapter. The new language states the purpose of Planned Developments is:

- To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the City;
- To provide such added benefits as increased natural areas or open space in the City, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code;
- To achieve unique neighborhoods which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning;
- To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site;
- To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the City; and
- To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

The proposed approval process makes a clearer distinction between the three pieces of the process in the present code: the Concept Plan, the Detailed Development Plan, and the Overlay Zone. Concurrent applications could be made for the Concept Plan and the Detailed Development Plan, but the Planning Commission would have to take separate actions on each step.

Concept Plan: The Concept Plan would be a distinct step, with new submission requirements. The approval of the Concept Plan would require meeting these new criteria:

- Provision of open space
- Protecting natural resource areas
- Integration of development into the existing neighborhood
- Promotion of walkability/ transit
- Identification of the uses and arrangement of the site
- Demonstration that the planned development has significant advantages over standard development (i.e. protects natural features and provides additional amenities for the development and/or neighborhood.)

Detailed Development Plan: The Detailed Development Plan was made a distinct step in the process with separate submission requirements. Approval of the Detailed Development Plan would now require a Type III review, meeting the following approval criteria:

- General consistency with the Concept Plan.
- Meeting the land division provisions
- Findings to justify the modifications to the following Development Code chapters:
 - a) 18.360, Site Development Review
 - b) 18.705, Access, Egress and Circulation
 - c) 18.715, Density Computation and Limitations (Up to a 10% density bonus is allowed. A 1% density bonus for each 5% of the gross site area set aside in open space, and up to 5% for other amenities, including items from the Planning Commissioner's Toolbox (a supplemental document separate from the Development Code.)
 - d) 18.745, Landscaping and Screening
 - e) 18.765, Off-street Parking and Loading Requirements
 - f) 18.780, Signs
 - g) 18.795, Visual Clearance Areas
 - h) 18.810, Street and Street Utility Improvements
- Additional criteria, including requirements for:
 - Relationship to the natural and physical environment
 - Buffering, screening and compatibility between adjoining uses
 - Privacy and noise
 - Exterior elevations-residential use
 - Private outdoor area-residential use
 - Shared outdoor recreation and open space
 - Demarcation of public, semi-public, and private spaces for crime prevention
 - Access and circulation
 - Landscaping and open space
 - Provisions for public transit (where the site abuts or is 1/4 mile of a public transit route)
 - Parking
 - Drainage (alternate means for stormwater conveyance may be proposed.)
 - Floodplain dedication
 - Mandatory shared open space requirement (minimum 20% of the gross site area.) Distinctions are also made between "Minimal Use Facilities," "Passive Use Facilities," and "Active Use Facilities."
 - Open space conveyance

Overlay Zone: The Overlay Zone would be applied concurrently with the approval of the Detailed Development Plan. The zone designation would not expire.

Overall, the proposed new language and organization of the chapter preserves the original intent of the Planned Developments chapter in the Tigard Community Development Code. The proposed changes reduce the ambiguity of the process and seek to assure that the flexibility that is granted in the development standards will result in development that has benefits for the community.

Tigard Development Code Chapter 18.380: Zoning Map and Text Amendments

This chapter sets forth the standards and process governing legislative and quasi-judicial amendments to this title and zoning district map. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060.G. Therefore, the proposed text amendments to the Tigard Development Code will be reviewed under the Type IV legislative procedure as set forth in the chapter.

Tigard Development Code Chapter 18.390: Decision-Making Procedures

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter. Section 18.390.060.G states that the recommendation by the Commission, and the decision by the Council, shall be based on consideration of the following factors (reviewed above), including: 1) Statewide Planning Goals and Guidelines, 2) applicable federal or state statutes or regulations, 3) applicable Metro regulations, 4) applicable comprehensive plan policies, and 5) applicable provisions of the City's implementing ordinances.

SECTION V. ADDITIONAL CITY STAFF COMMENTS

The City of Tigard's Building Division, Police Department, Public Works and Urban Forester have had an opportunity to review this proposal and have no objections.

The City of Tigard's Long Range Planning Division reviewed the proposal and submitted several questions for clarification. Questions referred to language permitting adjustments for lot dimensions and building height in the Sensitive Lands chapter (18.775) and density bonuses for tree canopy preserved in the Tree Removal chapter (18.790)

Response

If not otherwise addressed in the proposed Planned Developments chapter, any additional adjustments or bonuses allowable under other sections of the code can still be applied for. For example, the preservation of tree canopy would be eligible for a density bonus (1% bonus for every 2% canopy preserved- up to 20%) could be applied for in addition to any density bonuses eligible under the Planned Developments chapter.

SECTION VI. OUTSIDE AGENCY COMMENTS

Metro, Oregon Department of Transportation, Washington County Department of Land Use and Transportation, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue, Tualatin Valley Water District, Clean Water Services and the Planning Directors of the cities of

Beaverton, Durham, King City, Lake Oswego, Portland, and Tualatin, were notified of the proposed amendments and did not respond.

The Oregon Department of Land Conservation and Development responded via phone and had no objections.

SECTION VII. OTHER PUBLIC COMMENT

A representative from the Home Builders Association submitted comments, asking several questions for clarification. These questions were discussed in a meeting with their representatives.

SECTION VIII. STAFF ANALYSIS AND CONCLUSIONS

The proposed Development Code Amendment would extensively reorganize and add new language and procedures to the current Planned Developments chapter. These changes were recommended by a citizen committee appointed by the City Council. The changes comply with the Statewide Planning Goals, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances.

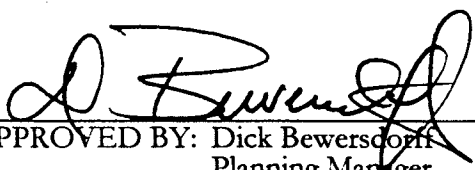
Staff finds that the proposed revision of the chapter is consistent with the original purpose and intent of the Planned Developments chapter of the Tigard Community Development Code. The proposed changes would result in less ambiguity in the process and more of a guarantee that the flexibility granted in the development standards would result in positive outcomes for the community. Therefore, Staff recommends that the Planning Commission recommend approval of the Development Code Amendment to the Tigard City Council as determined through the public hearing process.

ATTACHMENT:

EXHIBIT A: PROPOSED AMENDMENTS TO THE TIGARD COMMUNITY DEVELOPMENT CODE.


PREPARED BY: Sean Farrelly
Associate Planner

September 8, 2006
DATE


APPROVED BY: Dick Bewersdorff
Planning Manager

September 8, 2006
DATE



Home Builders Association
of Metropolitan Portland

October 4, 2006

Mayor Craig Dirksen
City Councilors
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

RE: DCA 2006-00003
Proposed Planned Development Code Amendments

Dear Mayor Dirksen and Councilors:

Thank you on behalf of the 1400 + member firms of the Home Builders Association of Metro Portland for the opportunity to submit these comments on the proposed amendments to the City Development Code.

On balance, the revisions as proposed are rather benign and will not likely cause a major change in the application process for planned developments.

As their September 18 meeting, the Planning Commission received comments from interested citizens, including myself, and has recommended to you for approval a document that embodies several suggested additions/changes that came about during that meeting.

I concur in all of the suggested additions/changes, and urge the Council to approve the document as recommended by the Planning Commission.

Thank you for the opportunity to comment on the proposed amendments.

Sincerely,

Ernie Platt

Director of Local Government Affairs

Agenda Item # _____

Meeting Date _____

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Consider an Ordinance to Add Section 1.12.050 to the Tigard Municipal Code to Authorize Submission of Explanatory Statements by the City of Tigard for Inclusion in the Washington County Voters' Pamphlet for Matters Submitted to the Voters Under the Referendum or Initiative Powers By Petition

Prepared By: Cathy Wheatley Dept Head Approval: cl City Mgr Approval: cl

ISSUE BEFORE THE COUNCIL

Shall the Council approve an ordinance regarding preparation of voters' pamphlet explanatory statements for matters referred or initiated by petition so the City is assured of its ability to explain municipal legislation to the voters of the City of Tigard?

STAFF RECOMMENDATION

Adopt the proposed ordinance.

KEY FACTS AND INFORMATION SUMMARY

- A governing body is required to submit a voters' pamphlet explanatory statement when it refers a measure to the voters.
- When a measure is submitted to voters for matters relating to municipal legislation referred or initiated by petition, state law permits a governing body to issue explanatory statements for the voters' pamphlet if the governing body has passed an ordinance to do so.
- The need for such an ordinance recently came to the attention of Oregon local governments when the City of Corvallis submitted an explanatory statement on a phone tax referendum appearing in the September 2006 ballot for Corvallis voters. The Elections Division advised the City of Corvallis that it did not have the right to print an explanatory statement because the City did not have an authorizing ordinance.
- Attached is a proposed ordinance for the City Council's consideration, which would, upon direction by the City Council, authorize the City Manager, City Attorney, or City Recorder to prepare an explanatory statement for matters relating to municipal legislation referred or initiated by petition consistent with the terms of the Oregon Revised Statutes and Oregon Administrative Rules.

OTHER ALTERNATIVES CONSIDERED

- Do not approve this ordinance; but, on a case-by-case basis consider an authorizing ordinance when the Council deems it desirable to submit explanatory statements for a specific referendum or initiative.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal: Improve Communication and Relationship with Citizens.

Vision Statement: This relates to the Community Character and Quality of Life Target area's communication goal to provide information to citizens in a variety of formats about aspects of the City's business.

ATTACHMENT LIST

Proposed Ordinance.

FISCAL NOTES

N/A

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CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-_____

AN ORDINANCE ADDING SECTION 1.12.050 TO THE TIGARD MUNICIPAL CODE TO AUTHORIZE SUBMISSION OF EXPLANATORY STATEMENTS BY THE CITY OF TIGARD FOR INCLUSION IN THE WASHINGTON COUNTY VOTERS PAMPHLET FOR MATTERS SUBMITTED TO THE VOTERS RELATING TO MUNICIPAL LEGISLATION UNDER THE REFERENDUM OR INITIATIVE POWERS BY PETITION

WHEREAS, the initiative and referendum powers are reserved to the people by the terms of Article IV, section 1 of the Oregon Constitution as to both state and municipal legislation; and

WHEREAS, Article IV, subsection 1(5) provides that municipalities such as the City of Tigard may provide for the manner of exercising the initiative and referendum powers as to municipal legislation; and

WHEREAS, under the terms of OAR 165-022-0040, the City must pass an ordinance if it wishes to prepare explanatory statements on matters that are initiated or referred to the voters by petition; and

WHEREAS, the City Council believes it is in the public interest for the City to exercise its Constitutional authority to provide for the manner of exercising the initiative and referendum powers as to municipal legislation and to comply with the aforementioned administrative rule and to therefore, when directed by the City Council, authorize the City Manager, City Attorney, or City Recorder to prepare explanatory statements for matters referred or initiated by petition in order that the City is assured of its ability to explain municipal legislation to the voters of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard Municipal Code is hereby amended by adding Section 1.12.050, to state:

Section 1.12.050 – Authorization to Submit Explanatory Statements Relating to Municipal Legislation Referred or Initiated by Petition.

When directed by the Tigard City Council, the City Manager, City Attorney, or City Recorder is authorized to prepare explanatory statement(s) for the Washington County Voters' Pamphlet for matters relating to municipal legislation referred or initiated by petition.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

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Agenda Item #

Meeting Date

October 24, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Repeal Ordinance No. 00-33 Providing a Process for Claims Filed as a Result of Ballot Measure 7 Subsequently Invalidated by the Oregon Supreme Court

Prepared By: Cathy Wheatley *Cathy* Dept Head Approval: *cl* City Mgr Approval: *cl*

ISSUE BEFORE THE COUNCIL

Repeal Ordinance No. 00-33 which was not implemented or codified.

STAFF RECOMMENDATION

Adopt the proposed ordinance repealing Ordinance No. 00-33.

KEY FACTS AND INFORMATION SUMMARY

- In November 2000, Oregon voters approved Ballot Measure 7, which required compensation to owners of private property for reductions in their property's "fair value" attributable to government regulations, with limited exceptions.
- The voters approved Ballot Measure 7 and Council approved Ordinance No. 00-33 on November 28, 2000 to provide a process for making claims.
- Shortly after the adoption of Ordinance No. 00-33, the ballot measure's legality was challenged.
- Tigard legal counsel advised staff to refrain from codifying the ordinance until the outcome of the legal challenge was known.
- Almost two years later, on October 4, 2002, the Oregon Supreme Court held that Measure 7 violated the Oregon Constitution's "single subject" requirement for Constitutional amendments and invalidated Measure 7.
- Ordinance No. 00-33, was never codified and it could not have been implemented because of the Court's decision; however, the ordinance should have been repealed.
- The proposed ordinance clarifies why Ordinance 00-33 was not implemented and rescinds the ordinance.
- A similar ballot measure, Measure 37, was approved by the voters in 2004 and Ordinance Nos. 04-12 and 04-13 were approved to implement a process for consideration of claims for compensation.

OTHER ALTERNATIVES CONSIDERED

Amend the proposed ordinance.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

N/A

ATTACHMENT LIST

1. Proposed Ordinance Rescinding Ordinance No. 00-33.
2. Ordinance No. 00-33 relating to Ballot Measure 7 approved by voters in 2000.
3. Ordinance No. 04-12 relating to Ballot Measure 37 approved by voters in 2004.
4. Ordinance No. 04-13 relating to Ballot Measure 37 approved by voters in 2004.

FISCAL NOTES

N/A

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CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-_____

AN ORDINANCE REPEALING ORDINANCE NO. 00-33, WHICH PROVIDED A PROCESS FOR MAKING CLAIMS UNDER ARTICLE I, SECTION 18 OF THE OREGON CONSTITUTION, IN RESPONSE TO VOTER APPROVAL OF BALLOT MEASURE 7 IN THE NOVEMBER 2000 ELECTION; SUBSEQUENTLY BALLOT MEASURE 7 WAS INVALIDATED BY THE OREGON SUPREME COURT ON OCTOBER 4, 2002

WHEREAS, in November 2000, Oregon voters approved Ballot Measure 7, which required compensation to owners of private property for reductions in their property's "fair value" attributable to government regulations, with limited exceptions; and

WHEREAS, the Tigard City Council adopted Ordinance No. 00-33 on November 28, 2000, to provide a process for making claims that might be filed because of the voters' approval of Ballot Measure 7; and

WHEREAS, shortly after the adoption of City of Tigard Ordinance 00-33, Ballot Measure 7's legality was challenged; and

WHEREAS, implementation of the Ordinance was held in abeyance until the outcome of the legal challenge was known; and

WHEREAS, on October 4, 2002, the Oregon Supreme Court held that Measure 7 violated the Oregon Constitution's "single subject" requirement for voter-approved Constitutional amendments; and

WHEREAS, Ballot Measure 7 was invalidated by the Oregon Supreme Court; and

WHEREAS, City of Tigard Ordinance No. 00-33 was not implemented nor were its provisions codified in the Tigard Municipal Code.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Ordinance No. 00-33 is hereby rescinded by the Tigard City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

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CITY OF TIGARD
ORDINANCE NO. 00- 33

AN ORDINANCE PROVIDING A PROCESS FOR MAKING CLAIMS UNDER ARTICLE I, SECTION 18 OF THE OREGON CONSTITUTION, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE AND DECLARING AN EMERGENCY.

WHEREAS, the City has developed a sound system of land use planning, which includes regulations that in some cases restrict the uses that can be made of property; and

WHEREAS, the restrictions on use of property have both served the public interest and increased property values by allowing the City to develop in a harmonious way avoiding incompatible uses and assuring appropriate development; and

WHEREAS, the voters of the state adopted Ballot Measure 7 in the November 2000 election amending Article I, Section 18 of the Oregon Constitution to require local governments to pay compensation for land use regulations that restrict the uses that can be made of property if the restriction causes a reduction in the value of the property; and

WHEREAS, some property owners may believe that existing or future land use regulations as applied to their property both restrict use of the property and reduce the fair market value of the property and consequentially may bring claims under Measure 7; and

WHEREAS, Ballot Measure 7 does not specify the process for submission and consideration of claims for compensation; and

WHEREAS, it is appropriate for the City to provide a Measure 7 claims procedure; now, therefore;

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

Section 1. A new Chapter 1.20 is added to the Tigard Municipal Code in the form of Exhibit A attached hereto and incorporated by this reference.

Section 2. Because this ordinance is necessary for the preservation of the health, safety and welfare of the City and is needed to provide a process for claims by December 7, 2000, an emergency is declared to exist and this ordinance shall be in full force and effect on December 7, 2000.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 28th day of November, 2000.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 28th day of November, 2000.

James E. Griffith
James E. Griffith, Mayor

Approved as to form:

Janeth V. Renna
City Attorney

11/28/00
Date

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EXHIBIT A
to Tigard Ordinance No. ~~DD-33~~

Chapter 1.20 Compensation for Reduction in Property Value

1.20.010 Purpose

The purpose of this Chapter is to provide procedures and standards for claims for compensation made pursuant to subsections (a) through (f) of Article I, Section 18 of the Oregon Constitution, effective December 7, 2000.

1.20.020 Definitions

As used in this chapter, unless the context requires otherwise:

“Affected property” means the private real property that is alleged to have suffered a reduction in fair market value as a result of the City’s regulation restricting the use of that property and for which a property owner seeks compensation for the reduction in value.

“Regulation” shall mean any law, rule, ordinance, resolution, goal, or other enforceable enactment of the City.

“Restricts the use of property” means prohibiting a particular use of the property or making that use only permissible under certain conditions. Standards that regulate the form of development, how a structure must be constructed, or how grading or fill is to be conducted, such as yard setback requirements, height limitations, erosion control measures and building code standards, are not restrictions on the use of property. Regulations requiring or setting fees to be charged are not restrictions on the use of property.

“Manager” means City Manager or designee.

1.20.030 Pre-Application Conference

1. Before submitting an application for compensation, a property owner seeking compensation may schedule and attend a pre-application conference with the Manager to discuss the application for compensation. The pre-application conference, if requested, shall follow the procedure set forth by the Manager.

2. To schedule a pre-application conference, a written request must be submitted to the Manager. The pre-application conference is intended to allow a summary of the basis for the claim to be presented to the Manager and for the Manager to provide information about applicable regulations. The Manager may provide a written summary of the pre-application conference within 10 days after it is held.
3. The Manager is not authorized to offer compensation at a pre-application conference but may take any other action within the Manager's authority. Any omission or failure by the Manager or staff to provide information on all relevant applicable land use regulations will not constitute a waiver or admission by the City.

1.20.040 Application for Compensation

A property owner wishing to make a claim against the City under subsections (a) through (f) of Article I, Section 18 of the Oregon Constitution shall first submit a notice of claim to the City. The notice of claim shall be in writing and shall include:

1. A notice of claim form provided by the City signed by all owners of the affected property. If the affected property is owned by two or more persons and not all owners seek compensation, all owners who do not seek compensation shall sign a waiver of the right to compensation.
2. Identification of the affected property by street address and tax lot number.
3. The name, address and phone number of all owners of the affected property seeking compensation (Claimants).
4. The name, address and phone number of all owners of the affected property who do not seek compensation and waive the right to compensation.
5. The name and mailing address of all persons with a lien on or security interest in the property.
6. An explanation of the nature of the claim, including specification of the regulation at issue, a description of how the regulation restricts the use of the affected property, and an explanation of how the restriction affects the value of the affected property. The explanation shall also state the date the Claimant(s) first owned the affected property and the date the regulation was adopted, first enforced or applied.
7. A statement describing the extent to which the regulation would need to be waived, suspended, or modified to avoid the need for compensation.
8. The amount of compensation claimed and a statement whether the application seeks compensation or a waiver, suspension or modification of the regulation.

9. An application fee in an amount to be set by resolution to cover the costs of the completeness review and application processing. The fee shall be refunded if a determination is made that compensation should be paid or that the regulation should be waived or suspended.
10. Proof of ownership of the affected property at all relevant times.
11. An appraisal by an appraiser licensed by the Appraiser Certification and Licensing Board of the State of Oregon appraising the value of the affected property under the regulation and appraising the value of the affected property without the regulation. The appraisal shall appraise the value as of the date the regulation was adopted, first enforced or applied, whichever is applicable to the claim. Claimant shall also submit any other appraisals of the affected property obtained by or in the possession of Claimant in the ten years prior to submitting the notice of claim.

The application may include any other materials the Claimant believes are relevant to the notice of claim. A notice of claim shall not be a claim for compensation until the notice of claim is determined to be complete by the Manager. If an incomplete notice of claim is received, the Manager shall inform the Claimant in writing of the additional material necessary to make the notice of claim complete. The notice of claim will be complete when the additional material is submitted and determined by the Manager to be complete. Until the notice of claim is complete, the Claimant shall not be considered to have applied for compensation or filed a claim for compensation.

1.20.060 Notice

The City shall provide notice of the hearing required by Section 1.20.080 to all owners of the property, lien holders and security interest holders listed in the notice of claim, record owners of property within 250 feet of the property and anyone who has requested notice at least 7 days before the hearing. The notice shall identify the property, state the date, time and place of the hearing, state the amount of the claim, list a city contact person and phone number, advise of the availability of the staff report and summarize the hearing procedures and nature of the claim. Failure of any person to receive notice or any defect in the notice shall not invalidate any action taken or decision made at the hearing.

1.20.070 Staff Report

City staff shall prepare a report analyzing the claim. The staff report shall be reviewed and approved by the Community Development Director, Finance Director, and Manager before being submitted to the City Council. Staff may discuss options with the Claimant and may enter into a settlement agreement with the Claimant as to actions within staff's authority. Staff may agree with Claimant that staff will recommend a particular course of action to the City Council if staff lacks authority to commit to the action.

The staff report shall be submitted to the Council, mailed to the Claimant, and made available to the public at least 7 days before the public hearing required by Section 1.20.080.

1.20.080 City Council Proceedings

The City Council shall hold a public hearing on the claim. The public hearing should normally be set within 70 days of the notice of claim but may be set at any time. The City Council may hold an executive session on the claim at any time.

1.20.090 Public Hearing

The Claimant and any other person shall be provided a reasonable opportunity to present evidence and argument at the public hearing. The City Council may limit the duration of testimony.

1.20.100 Council Decision

In deciding the claim, the City Council may take any of the following actions:

1. Deny the claim based on any one or more of the following findings:
 - a. The regulation does not restrict the use of the private real property,
 - b. The fair market value of the property is not reduced by the passage or enforcement of the regulation.
 - c. The claim was not timely filed.
 - d. The Claimant is not the current property owner or was not the property owner at the time the regulation was adopted, first enforced or applied.
 - e. The regulation is a historically and commonly recognized nuisance law or a law regulating pornography, nude dancing, gambling, or the sale of alcoholic beverages or other controlled substances.
 - f. The regulation is required by federal law and is the minimum required to comply with federal law.

g. The City is not the entity responsible for payment. The City is not responsible if the challenged law, rule, ordinance, resolution, goal or other enactment was not enacted by the City.

h. The City has not taken final action to enforce or apply the regulation.

i. The claimant is not legally entitled to compensation under Article I, Section 18 for a reason other than those listed in subsections a through f. The basis for this finding must be clearly explained.

- 2. Pay compensation, either in the amount requested or in some other amount supported by the evidence. If the City pays compensation, the City shall continue to apply and enforce the regulation. Any compensation shall be paid from funds appropriated for that purpose.**
- 3. Waive or suspend the regulation. The Council may provide that the waiver or suspension of the regulation shall expire when the Claimant ceases to own the property or shall terminate if no longer needed to comply with Article I, Section 18 of the Oregon Constitution.**
- 4. Modify the regulation so that it does not give rise to a claim for compensation.**
- 5. Conditionally waive or suspend the regulation subject to receipt of a defined amount of contributions toward compensation by a specified date from persons opposed to the waiver or suspension, such as persons who believe they would be negatively affected by waiver or suspension, with the waiver or suspension being granted if the defined amount of contributions is not received by the specified date. If the contributions are received, compensation shall be paid within 90 days of the date the notice of claim was filed. The specified date shall allow the City time to process the contributions and pay compensation.**

The City Council may take other actions it deems appropriate in individual circumstances, may modify the listed actions, and/or may combine the listed actions, consistent with Article I, Section 18 of the Oregon Constitution. The City Council may negotiate an acceptable solution with the Claimant or may direct staff to negotiate with the Claimant. In the event that the City Council directs staff to negotiate, the Council shall set the matter for further action no less than 89 days from the date the notice of claim became complete. If the City Council directs staff to negotiate, it may delegate authority to staff. The Council shall take final action within 90 days of the date the notice of claim became complete.

1.20.110 Authority

The City Council shall have the authority to take the actions listed in Section 1.20.100, including the authority to waive or suspend any provision of any City code, ordinance or resolution, notwithstanding any inconsistent provision in this code or the Community Development Code. The City may retain an appraiser to review the appraisal submitted by the Claimant or to prepare a separate appraisal.

1.20.120 Severability

If any section, phrase, clause, or part of the this Chapter is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

1.20.130 Attorney Fees on Delayed Compensation

If a claim for compensation under Section 18, Article I, of the Oregon Constitution and this Ordinance is not resolved within 90 days of the date of filing, claimant's reasonable attorney fees and expenses necessary to collect the compensation will be added as additional compensation provided compensation is awarded after the end of the 90 day period. If a claimant commences suit or action to collect compensation and the City is the prevailing party in such action, then City shall be entitled to any sum which a court, including any appellate court, may adjudge as reasonable attorney fees.

CITY OF TIGARD
ORDINANCE NO. 04-12

AN ORDINANCE PROVIDING A PROCESS FOR CONSIDERATION OF WRITTEN DEMANDS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the City has developed a sound system of land use planning, which includes regulations that in some cases restrict the uses that can be made of property; and

WHEREAS, the restrictions on use of property have both served the public interest and increased property values by allowing the City to develop a harmonious way avoiding incompatible uses and assuring appropriate development; and

WHEREAS, the voters of the state adopted Ballot Measure 37 in the November 2004 election adding new sections to ORS Chapter 197, which provide that local governments may pay compensation to property owners for reductions in property values resulting from land use regulations that restrict uses of the property or may waive restrictions as an alternative to paying compensation; and

WHEREAS, some property owners may believe that existing or future land use regulations as applied to their property both restrict use of the property and reduce the fair market value of the property and consequently may bring claims under Measure 37; and

WHEREAS, Ballot Measure 37 explicitly allows local governments to develop procedures for assessing claims made under Measure 37; and

WHEREAS, it is appropriate for the City to provide a Measure 37 claims procedure; now, therefore;

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

Section 1. The Tigard Municipal Code is amended by repealing the existing Chapter 1.20 and replacing it with a new Chapter 1.20 in the form of Exhibit A attached hereto and incorporated by this reference.

Section 2. Because this ordinance is necessary for the preservation of the health, safety and welfare of the City and is needed to provide a process for claims by December 2, 2004, an emergency is declared to exist and this ordinance shall be in full force and effect on December 2, 2004.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 23rd day of November, 2004.

Jane McGarvin
Catherine Wheatley, City Recorder
Jane McGarvin, Deputy

APPROVED: By Tigard City Council this 23rd day of November, 2004.

C. A. Dirksen
Craig Dirksen, Mayor

Approved as to form:

Justin V. K...
City Attorney

November 23, 2004
Date

November 23, 2004

Ordinance 04-12 was adopted WITHOUT Exhibit A on November 23, 2004.

Council directed that Exhibit A to Ordinance 04-12 be revised. After the City Attorney makes changes to Exhibit A, it will be brought back for ratification at a December Council meeting, and added to Ordinance 04-12.

Jane McGarvin
Deputy City Recorder

CITY OF TIGARD
ORDINANCE NO. 04-13

AN ORDINANCE AMENDING ORDINANCE 04-12 PROVIDING A PROCESS FOR CONSIDERATION OF CLAIMS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE, AND DECLARING AN EMERGENCY.

WHEREAS, on November 23, 2004, the City Council adopted Ordinance No. 04-02 without incorporating the written Exhibit A that had been distributed and directed that a revised Exhibit A be prepared to include specific changes; and

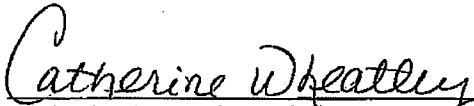
WHEREAS, a revised Exhibit A has been prepared that includes the changes requested by the Council; now, therefore;

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Ordinance 04-12 is hereby amended by adding an Exhibit A to that ordinance in the form of the attached Exhibit A. The Tigard Municipal Code is consequently amended as provided in Ordinance 04-12 and Exhibit A.

SECTION 2: Because this ordinance is necessary for the preservation of the health, safety and welfare of the City, an emergency is declared to exist and this ordinance shall be in full force and effect immediately on passage.

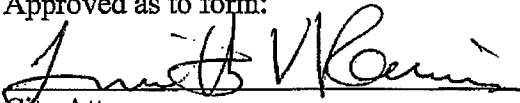
PASSED: By majority vote of all Council members present after being read by number and title only, this 14th day of December, 2004.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 14th day of December, 2004.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

12.14.04

EXHIBIT A
TO CITY OF TIGARD ORDINANCE NO. 04.13

PROVIDING A PROCESS FOR CONSIDERATION OF CLAIMS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, INCLUDING A PROVISION FOR ACTION BY NEIGHBORING PROPERTY OWNERS, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE.

Chapter 1.20 Compensation for Reduction in Property Value

1.20.010 Purpose

The purpose of this Chapter is to provide procedures and standards for claims for compensation made pursuant to 2004 Measure 37.

1.20.020 Definitions

As used in this chapter, unless the context requires otherwise:

“Affected property” means the private real property that is alleged to have suffered a reduction in fair market value as result of the City’s regulation restricting the use of that property and for which a property owner seeks compensation for the reduction in value.

“Claimant” means the property owner who submits a claim for compensation under Measure 37 in accordance with Section 1.20.030.

“Decision Maker” means the City Council or any person, board, commission, or other entity to whom the Council has delegated authority to make decisions on Measure 37 claims.

“Regulation” shall mean a provision of the City’s comprehensive plan, Community Development Code and transportation ordinances.

“Restricts the use of property” means prohibiting a particular use of the property or making that use only permissible under certain conditions. Regulations requiring or setting fees to be charged are not restrictions on the use of property.

“Manager” means City Manager or designee.

1.20.030 Claims

A. A property owner wishing to make a claim against the City under Measure 37 shall first submit a written claim to the City. A claim under Measure must be in writing and include:

1. Identification of the affected property. Identification may be by street address, subdivision lot number, tax lot number, or any other information that identifies the property.
2. The name and contact information of the person making the claim, the date the Claimant acquired the property, and, if applicable, the date that a family member of Claimant acquired the property and the names and relationships of family members that are previous owners.
3. A list of all persons with an ownership interest in or a lien on the property.
4. Identification of the regulation that is alleged to restrict the use of the affected property and a statement describing how the restriction affects the value of the property.
5. A statement whether the Claimant prefers compensation or a waiver, suspension or modification of the regulation, and a statement describing the extent to which the regulation would need to be waived, suspended or modified to avoid the need for compensation. A description of the proposed use must be provided.
6. The amount claimed as compensation and documentation supporting the amount. The documentation shall include a market analysis, an appraisal, or other documentation at least equivalent to a market analysis.
7. The name and contact information of the Claimant's authorized representative or representatives, if applicable.

1.20.040 Notice

The City shall provide notice of the hearing required by Section 1.20.070 to all owners of the property, lien holders and security interest holders, record owners of property within 500 feet of the property, recognized community participation organizations for the area the property is located, and anyone who has requested notice at least 7 days before the hearing. The notice shall identify the property, state the date, time and place of the hearing, state the amount of the claim or statement describing the extent to which the regulations would need to be waived or suspended, the City contact person and phone number, advise of the availability of the staff report and summarize the hearing procedures and nature of the claim. Failure of any person to receive notice or any defect in the notice shall not invalidate any action taken or decision made at the hearing.

1.20.050 Staff Report

City staff shall prepare a report analyzing the claim. The staff report may be reviewed by the Community Development Director, Finance Director, and Manager before being submitted to the Decision Maker.

The staff report shall be submitted to the Decision Maker, mailed to the Claimant, and made available to the public at least 7 days before the public hearing required by Section 1.20.070.

1.20.060 Decision Maker Proceedings

The Decision Maker shall hold a public hearing on the claim. The public hearing should normally be set within 150 days of submission of the claim but may be set at any time. The Decision Maker may hold an executive session on the claim at any time.

1.20.070 Public Hearing

The Claimant and any other person shall be provided a reasonable opportunity to present evidence and argument at the public hearing. The Decision Maker may limit the duration of testimony.

1.20.080 Decision Maker Decision

In deciding the claim, the Decision Maker may take any of the following actions:

1. Deny the claim based on any one or more of the following findings:
 - a. The regulation does not restrict the use of the private real property,
 - b. The fair market value of the property is not reduced by the passage or enforcement of the regulation.
 - c. The claim was not timely filed.
 - d. The Claimant is not the current property owner.
 - e. The Claimant or family member of Claimant was not the property owner at the time the regulation was adopted.
 - f. The regulation is a historically and commonly recognized nuisance law or a law regulating pornography or nude dancing.
 - g. The regulation is required by federal law.
 - h. The regulation protects public health and safety.
 - i. The City is not the entity responsible for payment. The City is not responsible if the challenged law, rule, ordinance, resolution, goal or other enactment was not enacted or enforced by the City.

- j. The City has not taken final action to enforce or apply the regulation to the property for which compensation is claimed.
 - k. The Claimant is not legally entitled to compensation for a reason other than those listed in subsections a through g. The basis for this finding must be clearly explained.
 - l. The City has not established a fund for payment of claims under Measure 37.
2. Pay compensation, either in the amount requested or in some other amount supported by the evidence. If the City pays compensation, the City shall continue to apply and enforce the regulation. Any compensation shall be paid from funds appropriated for that purpose. The City may require any person receiving compensation to sign a waiver of future claims for compensation under Measure 37 and the City may record that waiver with the County Recorder.
 3. Waive or not apply the regulation to allow the owner to use the property for a use permitted at the time the Claimant acquired the property.
 4. Modify the regulation so that it does not give rise to a claim for compensation. Any such modification shall be for the specific property only unless the City follows the procedure for a legislative land use decision.
 5. Conditionally waive or suspend the regulation subject to receipt of a defined amount of contributions toward compensation by a specified date from persons opposed to the waiver or suspension, such as persons who believe they would be negatively affected by waiver or suspension, with the waiver or suspension being granted if the defined amount of contributions is not received by the specified date. If the contributions are received, compensation shall be paid within 180 days of the date the claim was filed. The specified date shall allow the City time to process the contributions and pay compensation.

The Decision Maker may take other actions it deems appropriate in individual circumstances, may modify the listed actions, and/or may combine the listed actions, consistent with Measure 37. The Decision Maker may negotiate an acceptable solution with the Claimant or may direct staff to negotiate with the Claimant. In the event that the Decision Maker directs staff to negotiate, the matter shall be set for further action by the Decision Maker no less than 175 days from the date of the notice of claim became complete. The Council shall take final action within 180 days of the claim. The Decision Maker shall take actions 2 through 5 only if it determines the claim is valid.

A decision by a Decision Maker other than Council shall not be a final decision, but shall be a recommendation to Council.

1.20.090 Delegation of Authority and City Council Review

The Council may delegate authority to act as a Decision Maker to any person, board, commission or other entity by motion, resolution or ordinance. The Council shall review all recommendations of the Decision Maker and make the final decision. If a Decision Maker other than Council has made a recommendation to Council, Council may act on the recommendation by motion or order without a Council hearing. The Council may approve recommendations on its consent agenda.

1.20.100 Action by Neighboring Property Owners

If a Claim results in a waiver of enforcement of a regulation and the development allowed by the waiver causes a reduction in value of other property located in the vicinity of the Claimant, those property owners shall have the right to maintain an action against the Claimant in state circuit court to recover the amount of the reduction. The nearby property owners, if successful, shall be entitled to an award of reasonable attorney fees. This section does not create a right of action against the City.

1.20.110 Authority

The City Council shall have the authority to take the actions listed in Section 1.20.080, including the authority to waive or suspend any provision of any City code, ordinance or resolution, notwithstanding any inconsistent provision in this code or the Community Development Code. The City may retain an appraiser to assist the Decision Maker or Council determination.

1.20.120 Deposit and Responsibility for Costs

The Claimant shall provide a deposit of \$1,000 at the time the claim is filed with the City. If the claim is determined to be valid, the City shall refund the entire deposit. If a claim is denied and ultimately determined to be invalid, the Claimant shall reimburse the City for the costs the City incurred in processing the claim. If the amount of reimbursement exceeds the cost of deposit, the Claimant shall pay any additional amounts within 30 days of a demand by the City for full reimbursement. If the amount of reimbursement is less than the deposit, the City shall refund the difference to the Claimant. The City shall provide an invoice detailing its costs when demanding additional reimbursement or providing a partial refund.

1.20.130 Severability

If any section, phrase, clause, or part of this Chapter is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

Agenda Item #
Meeting Date

October 24, 2006

COUNCIL AGENDA ITEM SUMMARY
City of Tigard, Oregon

Issue/ Agenda Title THIRD QUARTER COUNCIL GOAL UPDATE

Prepared By: Joanne Bengtson *JB* Dept Head Okay *JP* City Mgr Okay *CP*

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Progress report on the Council goals for the 3rd quarter of 2006

STAFF RECOMMENDATION

Review the update.

KEY FACTS AND INFORMATION SUMMARY

Attached are brief summaries of the progress made on the goals developed by Council in January 2006.

OTHER ALTERNATIVES CONSIDERED

N/A.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Goals are identified throughout the document.

ATTACHMENT LIST

1- Third Quarter Goal Update Report.

FISCAL NOTES

N/A

2006 Quarterly Goal Update

1. Revise City of Tigard Comprehensive Plan

- Complete draft by year end

3rd Quarter Update:

- Cityscape article series continues
- Webpage updated
- Electronic NewsList update sent monthly
- Twice-monthly meetings held with Planning Commission
- Phase II: Inventory/data collection continues
 - Environmental Quality topic completed
 - Community – housing, economy – draft report completed
 - Natural Resources draft report completed
 - Public Facilities, Transportation to take place this fall

2nd Quarter Update:

- Cityscape article series continues
- Webpage updated
- Electronic NewsList established; electronic news update sent monthly
- Monthly meetings held with the Planning Commission
- Phase I completed
 - Community Attitudes Survey completed in June; results presented to Council on June 20 and 27
 - Issues and Values summary presented to Council July 18
 - Phase II: Inventory/data collection continues
 - Environmental Quality, Natural Resources data to be completed in summer
 - Community; Public Facilities and Services topics begun
 - Internal Team established to coordinate efforts, data between departments

1st Quarter Update:

A Senior Planner was hired in January to develop and lead the work program. The work program was reviewed by City Council and Planning Commission in February; Planning Commission is the project Steering Committee. The Public Involvement structure was reviewed by the Committee for Citizen Involvement and Planning Commission in February and March.

Project launches (Phase I) in April:

- Cityscape article series starts
- Data collection on current conditions begins in April
- Define Issues and Values
 1. Review of previous surveys and Tigard Beyond Tomorrow
 2. Proposals solicited for Community Attitudes Survey consultant; selection and contract to be finalized; survey occurs April-May.

2. Implement Downtown Plan

- Implement catalyst projects including improvements to Burnham Street and identify & purchase land for a Downtown public gathering place.

3rd Quarter Update:

Tigard Downtown Implementation Strategy

- The Strategy was adopted by City Council on August 8th. It addresses implementation of the Downtown Plan including the catalyst projects and contains three (3) key strategies, thirty (30) supporting strategies, provides a 3-Year Action Plan, and 1-Year Work Program.
- *Benchmarks:* The Downtown Implementation Strategy will be updated and adopted by Council annually. Adoption of the annual work program which is part of the Strategy provides endorsement and direction of Staff work for the upcoming fiscal year.

Streetscape Enhancement Program

- The Streetscape Plan, which is a catalyst project, was adopted by City Council on September 26th. Conceptual design for key downtown streets, gateways and public spaces will be incorporated into final design documents as appropriate.
- *Benchmarks:* The contract has been completed and the documents reviewed and adopted by Council.

Hall Boulevard Downtown Gateway

- OTAK, Inc. has begun work to identify right-of-way (ROW) for a potential gateway at Hall Blvd. / 99W. The project has been postponed due to cost impact concerns. The City will continue its involvement in potential gateway improvements, and incorporate public involvement as necessary.
- *Benchmarks:* Specific design of a gateway, and pedestrian improvements is anticipated for December '06.

Burnham St Improvements

- A contract with OTAK, Inc. was finalized and final engineering drawings for Burnham Street have been started.
- The CIP Budget has provided for engineering, ROW, and construction for Burnham Street over the next two fiscal years.
- *Benchmarks:* Engineering design and ROW acquisition will occur during FY 06-07, and construction FY 07-08.

Fanno Creek Public Area

- Negotiations for purchase of floodplain properties in the area of the proposed public gathering place continue. The City is working with two property owners to acquire properties.
- *Benchmarks:* Anticipated completion of negotiations: March 2007.
- A Master Plan for Fanno Creek Park has been scheduled for FY 06-07. Funding has been identified and the project has been included in the CIP budget for the fiscal year.
- *Benchmarks:* Completion of a Master Plan for Fanno Creek Park and the proposed Public Area is anticipated for June 30, '07.

2nd Quarter Update:

Tigard Downtown Implementation Strategy

- The Strategy addresses implementation of the Downtown Plan, its catalyst projects, and provides a three-year Action Plan and a one-year Work Program. A near-final version of the Downtown Implementation Strategy was completed, and reviewed by the CCAC, Executive Staff, Planning Staff, and City Council.
Benchmarks: The Strategy has been endorsed by the CCAC and is recommended for approval by Council (CCDA) on July 11.

Streetscape Enhancement Program

- Concept designs for Burnham Street, Main Street, and Commercial Street West have been completed. Conceptual design work has been endorsed by the Streetscape Working Group and presented to the City Council. A final report is due August '06.
Benchmarks: Contract executed December '05. Contract to be completed: August '06.

Hall Boulevard Downtown Gateway

- OTAK, Inc. has begun work to identify right of way for a potential gateway at Hall Boulevard/99W.
Benchmarks: Specific design of gateway and pedestrian improvements is anticipated for December '06.

Burnham Street Improvements

- The Community Investment Program Budget has provided for engineering, right-of-way, and construction for Burnham Street over the next two fiscal years.
Benchmarks: Engineering design and right-of-way acquisition will occur FY 06-07 and construction FY 07-08.
- The concept design for Burnham Street has been completed by OTAK, Inc. and accepted by the Streetscape Working Group and City Council.
Benchmarks: Began – December '05. Completion – April '06. Adoption of a final report is anticipated August '06.

Fanno Creek Public Area

- Negotiations for purchase of floodplain properties in the area of the proposed public gathering place continue. It is anticipated that the City will be successful in purchasing the Steven's Marine floodplain property and has arranged for property appraisal.
Benchmarks: Anticipated completion of negotiations –January 2007
- A Master Plan for Fanno Creek Park has been scheduled for FY 06-07. Funding has been identified and the project has been included in the Community Investment Program budget for the fiscal year.
Benchmarks: Completion of a Master Plan for Fanno Creek Park and the proposed Public Area is anticipated for June 30, 2007.

1st Quarter Update:

Streetscape Enhancement Program

- Solicited RFP and entered into contract with OTAK, Inc. for a Comprehensive Streetscape Design contract.
- Coordinated design and public involvement process for Streetscape Design in the Downtown (ongoing until completion July '06)
Benchmarks: Contract executed December '05. Contract to be completed: July '06.

Hall Boulevard Downtown Gateway

- Identified opportunity to provide design input with Washington County for the Hall Blvd/99W Intersection.
- Amended Streetscape Contract to have OTAK, Inc. assist the City in identifying design modification including pedestrian improvements, landscaping and a potential Gateway.
Benchmarks: Contract executed: March '06. Anticipated completion: November '06.

Burnham St Improvements

- Development of a Downtown Implementation Strategy to prioritize Catalyst Project, CIP Projects, and actions to undertake redevelopment.
Benchmarks: Began Strategy: January '06. Completed (draft): March 15. Anticipated review by

CCAC and City Council: April '06.

- Prioritize work with Streetscape Consultant (OTAK, Inc.) to identify design options and build consensus for Burnham Street.

Benchmarks: Began: December '05. Anticipated completion time: April '06.

- Identify funding sources and design/construction schedule for Burnham Street for FY 06-07 Capital Improvement Project (CIP) Budget.

Benchmarks: Began: December '05. Anticipated completion: May '06.

Fanno Creek Public Area

- Pursuing acquisition in FY 05-06 of floodplain properties in the area of the proposed public gathering place adjacent to Fanno Creek Park.

Benchmarks: Begin discussions with property owners: February '06 Anticipated completion of negotiations: June '06.

- Prioritize the master planning of Fanno Creek Park and its connection to Downtown for FY 06-07 pending funding availability.

Benchmarks: Proposed for Budget FY '06-07. Anticipated completion: June 30, '07.

- **Work to assure passage of the Urban Renewal Plan Ballot measure ***

***THIS GOAL IS DIRECTED TO CITY COUNCILORS, NOT CITY STAFF. STAFF CANNOT PROMOTE OR OPPOSE BALLOT MEASURES IN THE COURSE OF THEIR WORK. THE FOLLOWING ITEMS ARE EFFORTS THE STAFF HAS MADE TO PROVIDE IMPARTIAL, FACTUAL INFORMATION TO CITIZENS.**

3rd Quarter Update:

The Urban Renewal Ballot Measure passed on May 16, 2006. Efforts to educate the public with regard to the Ballot Measure were limited due to legal requirements but information was made available, and City staff wrote articles for Cityscape, coordinated with local newspapers, and produced a video on Urban Renewal which was run on Cable TV, on line, and made available at the library.

2nd Quarter Update:

Urban Renewal Video, City Articles, City Website Update

- The following projects were completed prior to the Urban Renewal Ballot Measure: production and release of a video about Downtown Tigard and Urban Renewal, articles on the Downtown and Urban Renewal in the *Cityscape* publication, and update of the City's website to include sections on the Downtown. The video was shown on public access television and placed on continuous play in the library.
Benchmarks: Articles placed in *Cityscape* monthly issues leading up to the Ballot Measure, complete of video three- to six-weeks prior to election date, City website updated two- to three-months prior to election date.

1st Quarter Update:

- Update the City's website to include section on Downtown, the Tigard Downtown Improvement Plan and Urban Renewal

Benchmarks: Started website update January '06. Anticipated completion: March 22, '06

- Coordinate the production of a video to convey ideas and information about the Tigard Downtown Improvement Plan, its formation and Urban Renewal

Benchmarks: Began video production December '05. Anticipated completion: March 30, '06.

- Write features articles on the Downtown and Urban Renewal in the Cityscape publication.

Benchmarks: Wrote articles for Cityscape publication on Downtown and Urban Renewal which were included in included February, March, April and May issues.

- **Identify and make changes to the Tigard Development Code needed to implement the Downtown Plan (e.g., zoning overlays, design standards)**

3rd Quarter Update

- Staff developed and presented to City Council the initial evaluation and set of recommendations for new regulations and design guidelines in the Downtown.
- The recommendations entitled "Framework Report" was reviewed and endorsed by the City Center Advisory Commission (CCAC), and presented to City Council on September 19th.
- Staff has developed a complete Program and Outreach Effort to inform and work with Downtown property and business owners. This will be presented to City Council on October 10th.

Benchmarks: The Program for development of new Downtown Land Use regulations will be executed from June 21 '06 to June 30, '07.

2nd Quarter Update:

- A work program was developed to research, develop, and adopt land use regulations and design guidelines for Downtown.

Benchmarks: Program to go from June 21, 2006 to June 30, 2007.

1st Quarter Update:

- Prepare a work program to begin FY 06-07 to include 1) identifying preferred quality of development, 2) reviewing recommendations of the Tigard Downtown Improvement Plan, 3) devising new or modifying existing land use regulations, and 4) coordinating stakeholder involvement.

Benchmarks: Anticipated time of completion: May 30, '06

- Complete work program tasks 1) identify desired quality of development 2) review recommendations of Tigard Downtown Improvement Plan.

Benchmarks: Anticipated completion: June 30, '06

- Apply for a TGM Code Assistance Grant to provide consultant assistance in accomplishing the work program.

Benchmarks: Anticipated completion of grant proposal: May 30, '06

2. Improve 99W Corridor

- Complete Transportation Growth Management (TGM) Corridor Study

3rd Quarter Update

The IGA (Intergovernmental Agreement) with ODOT (Oregon Department of Transportation) has been executed and notice to proceed on the project was given on August 18, 2006. A TAC (Technical Advisory Committee) has been formed to perform the technical review of the plan. A CAC (Citizen Advisory Committee) to guide the preparation of the plan has been formed with members selected through the established selection process led by the Mayor.

The CAC will be formally appointed by Council via resolution at the Council meeting on October 24, 2006. The TAC and CAC will conduct meetings after completion of major tasks in the scope of work to review and comment on the consultant submittals. The current schedule calls for five meetings each of the two committees and three open houses to receive public input on the plan as it is developed. The project is expected to be completed by the end of Fiscal Year 2006-07 (June 30, 2006).

After completion of the plan, the CAC will present the findings and recommendations to City Council for adoption. The high priority projects will be considered for implementation in future years as funding is identified and made available. Potential land use changes will also be considered for implementation as opportunities present themselves through new development or redevelopment of existing properties along the corridor.

2nd Quarter Update

The study will evaluate various alternatives alleviating traffic congestion on the highway between Durham Road and Interstate 5. The intent of the study is to address current traffic deficiencies, present design alternatives and propose strategies that would provide for effective traffic circulation, connectivity and operational improvements to the highway and its corridor. The study will:

- provide a plan for management of the corridor
- produce a package of projects (both large and small) that can be implemented over a period of years as funding sources are identified and designated for these projects
- identify and evaluate opportunities for land use changes to help achieve project objectives.
- Recommend comprehensive plan and zoning code amendments to allow new market-supported uses that reduce vehicle trip demand
- Suggest site design requirements to promote alternative modes and reduce congestion.

The OTAK-DKS consultant team with Randy McCourt of DKS as the team project manager has been selected to perform the study. The detailed scope of work with Intergovernmental Agreement (IGA) has been submitted to the Oregon Department of Transportation headquarters in Salem for review and approval. That process has been exceeding slow. To ensure that the IGA can be promptly approved once it is submitted to the City, Council approved the draft IGA at the June 27, 2006 meeting and authorized the City Manager to execute the documents upon submittal to the City. The Citizen Advisory Committee to guide the preparation of the plan is being formed and is expected to be appointed by Council in early October 2006. The actual work to develop the plan is now expected to begin by late August 2006 and should be completed within 12 months after notice to proceed.

1st Quarter Update:

The City staff has been working with ODOT to develop a detailed statement of work for the Highway 99W Corridor Improvement and Management Plan. The statement of work has been completed and the selection of the consultant to perform the work will be conducted during the next few weeks. The actual work to develop the plan is expected to begin by June 1, 2006. The duration of the study is up to 13 months after notice to proceed.

- **Continue Greenburg Road intersection project**

3rd Quarter Update:

The proposed project to improve the Greenburg Road/Highway 99W/Main Street intersection will complement the Hall Boulevard/Highway 99W County-funded improvements. Improvements will enhance traffic circulation across Highway 99W and reduce traffic congestion on the highway along the corridor adjacent to the Tigard downtown.

The full benefits of the improvements to the Hall Boulevard intersection cannot be realized without removing the bottleneck that currently exists at the Greenburg Road intersection. The Transportation Financing Strategies Task Force recommended to City Council that the project be constructed in conjunction with the Hall Boulevard/Highway 99W project.

To fund this high priority project, the Task Force recommended that a local gas tax with a five-year sunset clause be implemented to fund the project. Council directed the establishment of an extensive public process to gain support for the project and the proposed funding source to implement it. Two open houses have been scheduled in November (November 9th and 30th) to provide information and to receive citizen and business input on the proposal.

An ordinance to establish the local gas tax will be submitted for Council consideration at the Council meeting on December 12, 2006. A public hearing to obtain input will be conducted at the meeting as part of Council consideration of the proposed ordinance.

2nd Quarter Update:

An alternatives analysis was conducted to examine circulation issues and impacts of various alternatives aimed at improving performance at the Greenburg Road/Highway 99W/Main Street intersection. The current level of service on Greenburg Road at Highway 99W is extremely poor especially in the afternoon peak travel hours with vehicles waiting through multiple traffic cycles to clear the intersection. In addition, forecasts for Highway 99W along this area show it is well over capacity in future demand.

Current Status: The alternatives analysis to determine an optimum solution for the Main Street/Greenburg Road/Highway 99W intersection was presented to City Council at the April 18, 2006 workshop meeting and further discussed at the May 16, 2006 meeting. Council provided direction for staff to further explore the recommended improvements to the intersection. A concept design with cost estimate was prepared and submitted to the Transportation Financing Strategies Task Force for comment. The Task Force consensus is that the recommended improvements in the study should be constructed to complement the Hall Boulevard/Highway 99W Intersection Improvements. The Task Force will recommend the establishment of a local gas tax at the August 8, 2006 Council meeting and will further recommend that the proposed improvements to the Greenburg Road/Highway 99W/Main Street intersection be designated as the initial project for implementation. Council direction will be requested for the Task Force to work with City staff in the development of an ordinance to establish the local gas tax so that the proposed project can be initiated and constructed as soon as possible for improved traffic flow through the two adjacent intersections.

1st Quarter Update:

An alternatives analysis was conducted to examine circulation issues and impacts of various alternatives aimed at improving performance at the Greenburg Road/Highway 99W/Main Street intersection. A draft report has been prepared, which will be presented to Council at the April 18, 2006 workshop meeting. The draft report has been provided to the Transportation Financing Strategies Task Force.

• Continue Hall Boulevard intersection project

3rd Quarter Update:

The County continues to work with ODOT to identify the extent of the access management plan required, design exceptions needed to allow for the expansion without having to reconstruct and widen the entire street, storm drainage runoff disposal issues, and others.

The MSTIP funding is limited and needs to be managed carefully if the project improvements are to be constructed as proposed. The intent of this coordination is to be able to provide the design consultant with specific guidance during the design phase and to ensure that project funding is not spent unnecessarily on process-oriented work that does not translate into physical improvements on the ground. As a result of this coordination and discussion, the project design progress has been delayed and the project schedule will have to be re-established afterwards.

It is therefore unlikely that the project construction can begin in the summer of 2007. This could work to the City's advantage if the Greenburg Road project can be funded through a local gas tax. This delay could provide an opportunity to combine the two projects into one construction project in 2008.

2nd Quarter Update:

This project adds capacity to the Hall Boulevard/Highway 99W intersection. It is funded through Washington County's MSTIP 3 (Major Streets Transportation Improvement Program).

Current Status: The project design has begun but is progressing at a relatively slow pace as the County staff discusses several major issues with ODOT. Some of these issues include the extent of the access management plan required, design exceptions needed to allow for the expansion without having to reconstruct and widen the entire street, storm drainage runoff disposal issues, and others. The County is seeking to have this project declared as an interim improvement to reduce the requirements for additional studies and other process-oriented submittals that represent significant cost but do not actually go into physical improvements on the ground. The project is still scheduled to begin construction in 2007, but that could change if the right-of-way acquisition is delayed sufficiently to require significant adjustment of the currently projected schedule.

1st Quarter Update:

The project is entering into the design phase with construction expected to begin in spring 2007. The design work and right-of-way acquisition for the intersection widening will be ongoing during the next 12 to 18 months. Because the intersection is a major portal into the Tigard downtown area, the City will be working closely with the Oregon Department of Transportation (ODOT) and Washington

Other Important Goals for 2006

- **Improve Communication and Relationship with Citizens**
 - Implement the new neighborhood program throughout the City

3rd Quarter Update

Staff continues to work on development of the Enhanced Neighborhood Program. In May, Open Houses were held in two of the pilot areas to provide an opportunity for area residents to comment on the proposed program elements. Over the summer, staff discussed the proposed program at two neighborhood events in the third pilot area.

Citizens who had expressed interest in helping develop the program structure were invited to attend the July CCI meeting. Staff worked with the CCI members at their July, August and September meetings to refine a proposed structure for consideration by the City Council. Based on Council's comments and direction given to staff at the October 17 workshop, staff will finalize a proposed program for the Committee for Citizen Involvement (CCI) comment at their meeting on October 18, 2006. Residents of the pilot areas who have expressed an interest in participating will be invited to an Open House in November for an opportunity to comment on the proposed program.

1st Quarter Update:

The Neighborhood Program moved forward as Liz met with the School Board in January, and has met with and scheduled meetings with the Parent-Student Organizations (PSO) in the three pilot areas in March.

- Conduct a city-wide scientific survey/report card on City services

3rd Quarter Update

The results of the city-wide scientific survey/report on city services conducted in May 2006 were presented to City Council in June.

1st Quarter Update:

The City has chosen Riley Research to prepare and conduct a comprehensive, scientific community survey to get better information about citizen concerns. This first survey, to be conducted the week of May 14, 2006, will help to guide the City's efforts to update its Comprehensive Plan, but will also form a baseline for biennial surveys to help us gauge our progress at meeting citizen needs.

- Connect Council with students in schools

3rd Quarter Update

A representative of Tigard High School continues to attend City Council meetings monthly to present information about programs and activities at the school. The Tigard Youth Advisory Council has suggested City Council members have lunch at the High School periodically. Staff will work with individual Council members to schedule.

- **Consider Opportunities for Major Greenspaces Purchases**
 - Purchase first-refusal options
 - Explore School District property exchange

3rd Quarter:

Currently, the City's Cach Creek property lies outside Tigard city limits. On October 10, 2006, the Council annexed this property into the City of Tigard.

Negotiations between the City, School District, and METRO continue, with the ultimate goal being that a significant portion of the Fowler School site remains in public ownership. The City is working within this framework to acquire approximately 35 acres of the Fowler property for possible active park and greenway use.

Quarter 1 Update:

The Park and Recreation Advisory Board conducted a comprehensive land acquisition process that evaluated properties in and around the Tigard community. The Fowler School property was identified as high priority by the Board. The Advisory Board's goal is to preserve and protect the Fowler School greenway property as well as the developable, upland property.

Currently there are fourteen (14) properties being evaluated (seven (7) greenway properties totaling 36.97 acres, and seven (7) "active" park properties totaling 14.3 acres). Appraisals and Level One Environmental Reports are being ordered, and negotiations continue with owners.

The City and the School District are currently working collaboratively to identify a mechanism(s)/ process that will ensure that the entire Fowler School site will remain in public ownership. It is anticipated that eventually, an Intergovernmental Agreement will be created that will enable this to happen.

The School Board is conducting a process aimed at identifying surplus property within the District. Fowler School will be discussed at a meeting to be held in April. City staff will be at that meeting.

Metro is conducting a land acquisition bond measure in November 2006. A portion of the bond measure is dedicated to local share distribution.

- **Clarify City's Position on the Provision of Urban Services to Unincorporated Areas and in the Best Interests of the Citizens of Tigard**

Third Quarter Update

- The Urban Services Intergovernmental Agreement is terminated.

2nd Quarter Update:

- Implemented termination of Urban Services Intergovernmental Agreement prior to effective date of July 20, 2006.

1st Quarter Update:

At the meeting on March 28, 2006, the City Council decided to terminate the Urban Services Intergovernmental Agreement with Washington County whereby the City provided building permits and inspections and development services to the unincorporated portions of Bull Mountain. It is important to note that the termination of the development services intergovernmental agreement does not indicate a change in the City's long stated policy and the underlying Urban Services Agreement with Washington County and other urban services provider to be the ultimate provider of services to the Bull Mountain area.

The City will continue to annex land within that area as property owners request annexation and as allowed by law.

- **Secure Long-Range Water Source(s)**

3rd Quarter:

This quarter, work continues on the analysis of a Lake Oswego /Tigard partnership to expand Lake Oswego's water rights and treatment plant. The Tigard City Council is slated to meet with the Lake Oswego City Council and the Intergovernmental Water Board on November 14 to discuss the partnership and the type of information Councilors and Board members will need in order to make a decision about forming the partnership.

The draft environmental impact statement for the Hagg Lake dam raise project is now expected in December 2006. In early 2007, the Council will need to consider whether to continue the City's participation in the project as this decision will affect the FY '07-'08 budget.

2nd Quarter Update:

This quarter work progresses on the Lake Oswego /Tigard analysis of the potential expansion of Lake Oswego's water rights and treatment plant modifications. Draft white papers, on several topics covered in the study, will be available soon.

The Tigard City Council also entered into a partnership with the Tualatin Valley Water District to develop the right-of-way and easements for the north/south regional water transmission main. This key pipeline will connect all the major Westside water sources.

The draft environmental impact statement for the Hagg Lake dam raise project is due next quarter. The Council will need to consider whether to continue its participation in the project; the next phase of the project involves a commitment to fund the improvements.

1st Quarter Update:

The City continued participation in the Hagg Lake expansion study. Council will need to decide during the 3rd quarter if we wish to continue into the construction process.

Secured a joint funding agreement with Lake Oswego for addition evaluation of a joint project.

Continued participation in the Willamette River Water coalition to protect and develop our water rights.

Successfully negotiated a shorter term contract with Portland to provide transition to an alternate source(s).

- **Stabilize Financial Picture**

- Review Financial Strategy Task Force recommendations
- Take appropriate action to control costs

3rd Quarter Update:

Significant Work Elements

- Completed conversion of the Springbrook financial software to an upgraded version (6.05).
- Completed conversion from the purchasing card software EAGLS to WORKS and conducted staff training.
- Closed several open accounts and now using p-card and/or purchase orders.
- Auditors completed interim work for FY 2005-06.
- Worked with Finance Director on process reviews for procurement and Human Resources.
- Started working with Public Works on Street Maintenance cost analysis.
- Transportation System Development Charge (TSDC) - Engineering now plans on using the umbrella DKS contract recently approved by the City Council.

Measure	1 st Quarter		2 nd Quarter		3 rd Quarter		4 th Quarter	
	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual
<i>Payroll Checks Processed</i>	1,800	1,778	2,100		1,800		2,100	
<i>Accounts Payable Checks</i>	1,200	1,423	1,350		1,350		1200	
<i>Check Requests/ Invoices Processed</i>	3,600	3,087	3,300		3,500		3,700	
<i>Number of Water Accounts</i>	17,300	17,472	17,325		17,350		17,400	
<i>Total Number of Utility Billing Accounts</i>	19,200	19,302	19,250		19,300		19,350	
<i>Number of Passport Applications Processed</i>	60	236	50		50		75	
<i>Number of Utility Bills Sent</i>	26,300	26,425	29,600		28,500		28,700	
<i>Number of Meters Sold</i>	70	72	55		50		75	
<i>UB Online Registered Users</i>	3,100	3,728	3,125		3,150		3,200	
<i>UB Online Number of Transactions/ Dollars</i>	950/\$104,500	1,507/\$160,109	1,100/\$121,000		1,300/\$143,000		1,400/\$154,000	
<i>Number of Purchasing Card Transactions</i>	775	890	775		825		825	
<i>Number of Purchase Orders Processed</i>	120	61	90		80		85	
<i>Size of Investment Pool (LGIP and 3rd Party)</i>	\$45.0 million	\$46.6	\$49.0 million		\$51.5 million		\$46.0 million	

2nd Quarter Update:

Significant Work Elements Accomplishments During the Quarter

- Worked with Finance Administration on the Budget Committee meetings and final adoption of the FY 2006-07 Budget.
- Completed RFP process for new coffee bar vendor and TV Van.
- Scheduled upgrade of the City's financial software to the most recent version (6.05).
- Initiated the conversion to a new procurement card processing software.
- Initiated year-end closing procedures for FY 2005-06.
- Began working with Public Works staff on a cost study of certain activities in the Street Maintenance Program.
- Completed preliminary work with the outside auditing firm for FY 2005-06 audit.

- Finance Director initiated a business process review of the City's purchasing/acquisition process and procedures.
 - Performance Measurements (*Update Measures from Budget Document*)
 - Workload Indicators

Measure	1 st Quarter		2 nd Quarter		3 rd Quarter		4 th Quarter	
	Plan	Actual	Plan	Actual	Plan	Actual	Plan	Actual
<i>Payroll Checks Processed</i>	1,738	1,773	1,808	2,081	1,532	1,771	1,822	2,085
<i>Accounts Payable Checks</i>	1,326	1,153	1,375	1,291	1,370	1,176	1,429	1,289
<i>Check Requests/Invoices Processed</i>	3,944	3,621	4,125	3,329	3,762	3,097	4,669	3,850
<i>Number of Water Accounts</i>	17,040	17,115	17,060	17,206	17,105	17,328	17,150	17,432
<i>Number of Utility Bills Sent</i>	25,283	26,257	28,524	29,447	27,227	28,334	27,011	28,471
<i>Number of Meters Sold</i>	60	93	35	91	45	124	60	121
<i>UB Online Registered Users</i>	2,700	2,847	2,750	3,059	2,790	3,311	2,830	3,518
<i>UB Online Number of Transactions/Dollars</i>	950/ \$71,250	1,112/ \$111,084	1,000/ \$75,000	1,205 \$142,848	1,100/ \$82,500	1,343/ \$122m902	1,150 /\$86,250	1,360 /\$112,541
<i>Number of Purchasing Card Transactions</i>	550	778	570	771	600	747	630	846
<i>Number of Purchase Orders Processed</i>	144	93	94	67	17	68	95	62
<i>Size of Investment Pool (LGIP and 3rd Party)</i>	\$46.5 Million	\$45.1 Million	\$50.0 Million	\$52.0 Million	\$48.5 Million	\$52.6 Million	\$46.0 Million	\$50.6 Million

1st Quarter Update:

At the end of last year's budget process, the City Council appointed a task force made up of citizen members of the City's Budget Committee plus representatives of each of the City's other boards and committees. This citizen task force met over an 8 month period to review the City's financial situation. They concluded that the City's financial affairs are well managed and that the City is not providing any unnecessary services. They recommended that the City contract for outside performance audits to review selected city services and to develop recommendations for improvements. The 2006-07 proposed budget includes a request for \$75,000 to pay for up to two performance audits to accomplish these purposes. The task force also recommended that the City continue its past practice of making sure that all fees and charges are kept current and recover the full cost of providing services for which they are charged. The City will continue with this practice by reviewing all fees and charges annually as required by City Code.